

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2017

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12767 of 2017

C.Sadhasivam

.. Petitioner

Vs.

1 The District Collector
Kancheepuram District
Kancheepuram.

2 The District Manager
TASMAC Limited
Kancheepuram District
Kancheepuram.

3 The Inspector of Police
Thiruporur Police Station
Kancheepuram
Kancheepuram District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the respondents from running the TASMAC Shop No.4025 at Illalur, Echangadu Village, Thiruporur, Kancheepuram District or its adjoining area of the said Village.

For Petitioner : Mr.K.Balu

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1 and 3

Mr.K.Venkataramani
Addl. Advocate General
assisted by
Mr.B.Nedunchezhiyan
for 2nd respondent

ORDER

(Order of the Court was made by R.Mahadevan,J.)

The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing the respondents from running the TASMAC Shop No.4025 at Illalur, Echangadu Village, Thiruporur, Kancheepuram District or its adjoining area of the said Village.

2. Objecting to the running of a TASMAC Shop No.4025 at Illalur, Echangadu Village, Thiruporur, Kancheepuram District, the petitioner made a representation on 20.4.2017 with signatures of hundreds of villagers. Since the said representation was not considered, the petitioner has filed this writ petition for the relief stated supra.

3. It is the case of the petitioner that the Supreme Court has laid down guidelines for establishing or running liquor shops and, therefore, any decision taken by the respondents should be in line with the decision of the Supreme Court in Civil Appeal Nos.12614 - 12616 of 2016 (Order dated 15.12.2016, clarified by order dated 31.3.2017). The learned counsel for the petitioner brought to the notice of this Court the order passed by the Division Bench of this Court dated 16.11.2016 in W.P.(MD) No.20063 of 2015 (V.Ravichandran v. The District Collector, Tirunelveli District and another) and the case reported in G.Kanaga Bai v. The District Collector, Kanyakumari District, 2013 (5) CTC 141.

4. On the other hand, the learned Additional Advocate General appearing on behalf of the second respondent/TASMAC submitted that the objections of the petitioner for running of the TASMAC shop, stated supra, were considered and rejected vide proceedings in Na.Ka.No.658/R7/2017, dated 17.5.2017.

5. We are not inclined to accept the said submission made by the learned Additional Advocate General as, in the proceedings dated 17.5.2017, there is no reference to the representation of the petitioner dated 20.4.2017. Moreover, neither the petitioner nor the villagers were afforded an opportunity of hearing before passing of the said proceedings dated 17.5.2017.

6. To give a quietus to the issue, we direct the respondent authority to consider the representation dated 20.4.2017 submitted by the petitioner, after granting due opportunity of hearing to the petitioner as well as any of the interested parties and pass appropriate orders in line with the decision of the Supreme Court and this Court, referred supra. Such exercise shall be completed within a period of four weeks from the date

of receipt of a copy of this order. It is made clear that till the disposal of the representation of the petitioner, the TASMAC Shop No.4025 at Illalur, Echangadu Village, Thiruporur, Kancheepuram District shall remain closed.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

To:

- 1 The District Collector
Kancheepuram District
Kancheepuram.
- 2 The District Manager
TASMAC Limited
Kancheepuram District
Kancheepuram.
- 3 The Inspector of Police
Thiruporur Police Station
Kancheepuram
Kancheepuram District.

+1 CC to M/s. K. Balu, Advocate sr 37753
+1 cC to M/s.B. Nedunchezhiyan, Advocate sr 37671
+1 CC to The Govt. Pleader sr 37765

सत्यमेव जयते

W.P.No.12767 of 2017

MP (CO)
sp/24/5

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