IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2017

CORAM

THE HON'BLE MR. JUSTCE R.MAHADEVAN

W.P.No.12997 of 2017
and W.M.P.No.13869 of 2017

Sri Lakshmi Textiles,
Rep. By its Managing Partner Mr.B.Rajendran

... Petitioner

Vs.

1 The District Collector
Tirupur.

2 The Thasildar,
Tirupur.

3 The Assistant Commissioner of Police,
Tirupur.

4. The District Manager,
Tasmac (South)
Udumalpet
Tirupur District.

5 TASMAC Shop No.2336
Rep. By its Manager,
Senjerimalai Road,
Pethappampatti,
Udumalpet, Tirupur District. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 3rd and 4th respondents to consider the petitioner's representation dated 21.04.2014 to shift TASMAC shop bearing No.2336 and re-locate the same to any other distant place without inconveniencing the general public.

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For Petitioner : Mr.P.TTamilavel

For Respondents : Mr.N.Sakthivel
Government Advocate
for respondents 1 to 3
: Mr.John Kenaddy
for respondents 4 & 5

ORDER

The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing respondent Nos. 3 and 4 to consider the petitioner's representation dated 21.04.2014 to shift TASMAC shop bearing No.2336 and re-locate the same to any other distant place without inconveniencing the general public.

2. Objecting to the running of a TASMAC Shop No.2336 at Pethappampatti - Senjeri Malai Road, the petitioner made a representation on 21.4.2017. 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).

4. On the other hand, the learned counsel appearing on behalf of the respondents 4 and 5/TASMAC, by producing the communication dated 17.05.2017 of the fourth respondent, submitted that the objections of the petitioner for running of the TASMAC shop, are under consideration.

5. To give a quietus to the issue, the respondent authorities are directed to consider the representation dated 21.04.2017 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, referred supra and also as per Rule 8 of the Tamil Nadu Liquor Retail Vending (Inshops and Bars) Rules, 2003. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this

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order. It is made clear that till the disposal of the representation of the petitioner, the TASMAC Shop No.2336 at Pthappampatti – Senjeri Malai Road shall remain closed.

6. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.13869 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm

To:

1 The District Collector,
Tirupur.

2 The Thasildar,
Tirupur.

3 The Assistant Commissioner of Police,
Tirupur.

4. The District Manager,
Tasmac (South)
Udumalpet
Tirupur District.

5 The Manager,
TASMAC Shop No.2336
Senjerimalai Road,
Pethappampatti,
Udumalpet, Tirupur District.

+1cc to Mr.P.Tamilavel, Advocate Sr.37705
+1cc to M.Johyn Kennady, Advocate Sr.37748
+1cc to the Government Pleader Sr.37823

W.P.No.12997 of 2017

rj[co]
srg 25/05/2017

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