

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.13073 of 2017
and
W.M.P.No.13956 of 2017

N.Periasamy

.. Petitioner

Vs

1. The Chairman-cum-Managing Director,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower, IV Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.
2. The District Collector,
Collectorate Buildings,
Tiruppur.
3. The Commissioner of Police,
Office of the Commissionerate,
Tiruppur.
4. The Divisional Manager,
Tamil Nadu State Marketing Corporation Limited,
Tiruppur.
5. The Inspector of Police,
North Police Station,
Tiruppur.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the fifth respondent to consider the representation of the petitioner dated 09.05.2017 and take necessary action in accordance with law and pass orders within the stipulated time that may be fixed by this Court.

For Petitioner

: Mr.V.Ragavachari for
Mr.N.Umapathi

For Respondents : Mr.K.Venkataramani,
Additional Advocate General
assisted by
Mr.John Kennedy for R1 and R4

Mr.N.Sakthivel, Government Advocate
for R2, R3 and R5

ORDER

This writ petition has been filed for a direction to the fifth respondent to consider the representation of the petitioner dated 09.05.2017 which was made to take action against the miscreants who are threatening the petitioner to close his liquor shop (TASMAC Shop No.1960).

2.The learned counsel for the petitioner submits that the shop belonging to the petitioner is not situated within the prohibited distance as contemplated under Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 and that proper license has been granted for running the bar. Since certain protests have broken across Tamil Nadu against the Government-run TASMAC liquor shops being operated near highways, some miscreants are threatening the petitioner to close his liquor shop (TASMAC Shop No.1960), failing which they will damage the bar. Stating so, the learned counsel submitted that a representation dated 09.05.2017 was given by the petitioner to the fifth respondent, but the same has not been considered and hence the fifth respondent may be directed to consider and pass orders on the representation of the petitioner.

3.Mr.K.Venkataramani, learned Additional Advocate General, takes notice for the respondents 1 and 4. Mr.N.Sakthivel, learned Government Advocate, takes notice for the respondents 2, 3 and 5.

4.Heard both sides.

5.Considering the facts and circumstances of the case, without expressing any opinion as to the merits of the contentions raised by the petitioner in this writ petition, the writ petition is disposed of directing the fifth respondent to consider the representation of the petitioner dated 09.05.2017 on merits and in accordance with law, and pass appropriate

orders, after affording due opportunity to the petitioner as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman-cum-Managing Director,
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