

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.13348 of 2017 and
W.M.P.No.14383 of 2017

D.Rajiv @ Ramesh

.. Petitioner

Vs

1. The District Collector
Erode District,
Erode.
2. The Regional Manager
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Coimbatore.
3. The District Manager
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC)
Suriyampalayam,
Vasavi College Post,
Erode, Erode District.
4. Ilango

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, forbearing the respondents 1 to 3 from opening the liquor shop (TASMAC shop) in R.S.No.328 of Erode Village, Veerappampalayam, Erode District by considering the petitioner's representation dated 10.04.2017.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.M.John Kennedy

O R D E R

This writ petition has been filed to forbear the respondents 1 to 3 from opening the liquor shop (TASMAC shop) in R.S.No.328 of Erode Village, Veerappampalayam, Erode District, by considering the petitioner's representation dated 10.04.2017.

2.The learned counsel for the petitioner submits that since, the proposed liquor shop situated very near to the residential area and the same would cause nuisance to the residents of that locality which is inconsistent with Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, the residents of that locality in large, on 10.04.2017, objected the fourth respondent herein from opening the said liquor shop. In this regard, they have also made a representation dated 10.04.2017 to the first respondent, but the same has not been considered and hence, according to the petitioner, the first respondent may be directed to consider and pass orders on the representation of the petitioner.

3.Mr.M.John Kennedy, learned counsel takes notice for the respondents 1 to 3.

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 first respondent to consider the representation of the petitioner dated 10.04.2017 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jbm/jer

To

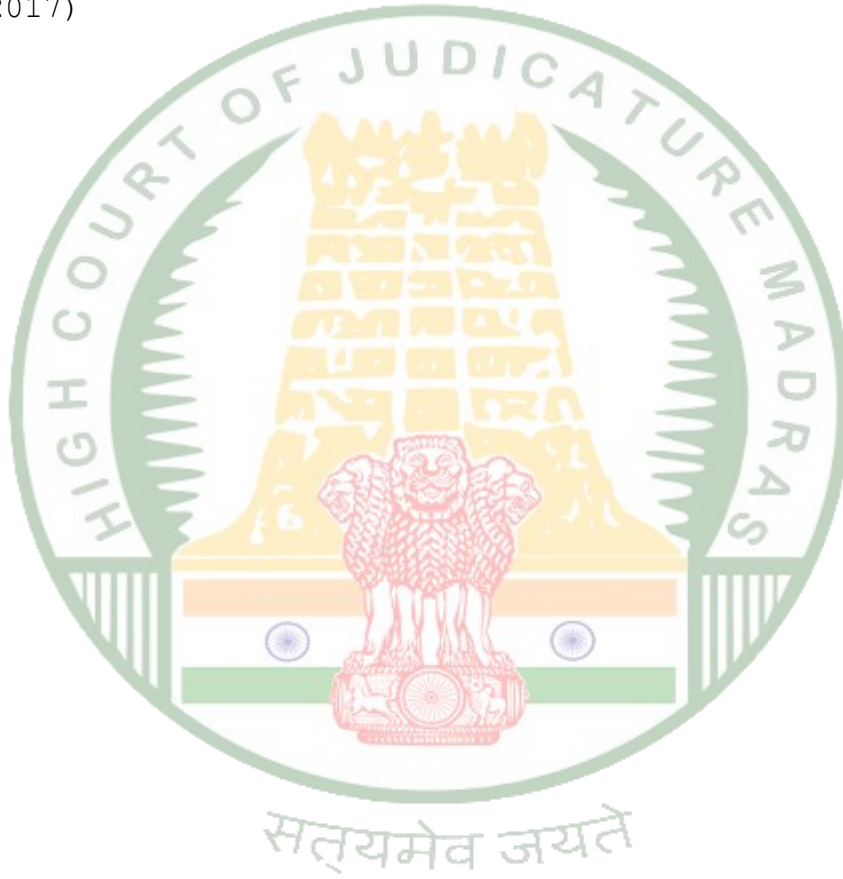
1. The District Collector
Erode District,
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Coimbatore.

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Corporation Ltd., (TASMAC)
Suriyampalayam,
Vasavi College Post,
Erode, Erode District.

+1cc to Mr.I.C.Vasudevan, Advocate in Sr.No.38120

W.P.No.13348 of 2017

NR II (CO)
NR (12/06/2017)



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