

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.15619 of 2017
and
W.M.P.No.16914 of 2017

K.Dayalan

... Petitioner

Vs.

1. The Commissioner of Prohibition
and Excise,
Chepauk, Chennai - 600 005.
2. The District Collector,
Villupuram District.
3. The District Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Retail Liquor Vending Shops,
Villupuram District.
4. The Superintendent of Police,
Villupuram District.
5. Ranjithkumar
6. Vijayakumar
7. Praveenkumar
8. Vinayagam
9. Mayilvahanan
10. Imanuvel

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent particularly the District Collector, Villupuram District and the District Manager, Tamil Nadu State Marketing Corporation (TASMAC) Retail Liquor Vending Shops, Villupuram District, the 2nd, 3rd respondents not to open the proposed TASMAC shop in New Survey No. 292/1 and 292/2 an extent of 3.31 acres in Saram Village, Tindivanam Taluk, since the land belongs to

the petitioner and further direction to the District Collector, Villupuram District not to approve the location of the shop for the purpose of opening the TASMAC shop in the agriculture land belongs to the petitioner.

For Petitioner: Mr.M.Senthil

For Respondents: Mr.Akhil Akbar Ali
Government Advocate, For R1, R2 & R4
Mr.B.Nedunchezhiyan
Standing Counsel, For R3

O R D E R

Mr.Akhil Akbar Ali, learned Government Advocate, takes notice on behalf of the respondents 1, 2 & 4 and Mr.B.Nedunchezhiyan, learned Standing Counsel takes notice on behalf of the third respondent. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself. Since, the order in this writ petition is passed without affecting the interest of the private respondents, as such in any manner, notice to them is dispensed with.

2. The petitioner is aggrieved against the proposed location of TASMAC shop in New Survey Nos.292/1 and 292/2 measuring to an extent of 3.31 acres in Saram Village, Tindivanam Taluk, by claiming that he is in possession and enjoyment of the said property as a mortgagee and that respondents 5 to 10, without having any right over such possession, are making an attempt to put up a TASMAC shop by illegally leasing the said property in favour of Tamil Nadu State Marketing Corporation.

3. Ventilating such grievance, the petitioner sent a legal notice to the private respondents on 22.05.2017 and also sent a representation to the third respondent on 17.06.2017. Needless to say, that it is for the third respondent to consider the said representation and dispose of the same on merits, after hearing both parties. Therefore, this writ petition is disposed of, only with a direction to the third respondent to consider the representation of the petitioner dated 17.6.2017 and pass orders on the same on its own merits and in accordance with law, after giving due opportunity of hearing to the petitioner and respondents 5 to 10. Since, the petitioner claims to be in possession over the said property, the official respondents shall keep the proposal of locating the said TASMAC shop in abeyance, till an order is passed by the third respondent on the representation of the petitioner dated 17.06.2017 as directed supra. No costs. Consequently, connected miscellaneous

petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk/ms

To

1. The Commissioner of Prohibition and Excise,
Chepauk, Chennai - 600 005.
2. The District Collector,
Villupuram District.
3. The District Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Retail Liquor Vending Shops,
Villupuram District.
4. The Superintendent of Police,
Villupuram District.

+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.43699

+1cc to Mr.M.Senthil, Advocate, S.R.No.43398

W.P.No.15619 of 2017

AD(CO)
RS(22/06/2017)

सत्यमेव जयते

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