

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.12960 of 2017

M.Krishnasamy

.. Petitioner

Vs.

- 1 The District Collector
Office of the District Collector
Coimbatore District
Coimbatore.
- 2 The Commissioner
Office of the Commissioner
Coimbatore Municipal Corporation
Coimbatore.
- 3 The Managing Director
Tamil Nadu State Marketing Corporation(TASMAC)
CMDA Tower-II, IV Floor
Gandhi Irwin Bridge Road
Egmore Chennai.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the respondents from opening TASMAC liquor vending outlet at S.F.No.550/1B, 553/1B and 554/1A of Ganapathy Village, Pappan Thottam, Maniakaranpalayam, Coimbatore.

(2)

For Petitioner : Mr.S.B.Viswanathan

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1 and 2

Mr.K.Venkataramani
Addl. Advocate General
assisted by
Mr.B.Nedunchezhiyan
for 3rd 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 opening TASMAL liquor vending outlet at S.F.Nos.550/1B, 553/1B and 554/1A of Ganapathy Village, Pappan Thottam, Maniakaranpalayam, Coimbatore.

2. Objecting to the setting up of a TASMAL Shop at S.F.Nos.550/1B, 553/1B and 554/1A of Ganapathy Village, Pappan Thottam, Maniakaranpalayam, Coimbatore, the petitioner made a representation on 2.5.2017 to the respondent authority. Since the said representation was not considered, the petitioner has filed this writ petition for the relief stated supra.

3. The learned Additional Advocate General appearing on behalf of the TASMACH submitted that the objections of the petitioner for setting up of the TASMACH shop, stated supra, were considered and rejected vide proceedings bearing reference Na.Ka.No.621/2017/RV-5, dated 17.5.2017.

4. 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 2.5.2017. Moreover, neither the petitioner nor the villagers were afforded an opportunity of hearing before passing of the said proceedings dated 17.5.2017.

5. To give a quietus to the issue, we direct the respondent authority to consider the representation dated 2.5.2017 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 within a period of three 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, no TASMACH shop shall be set up or opened at at S.F.Nos.550/1B, 553/1B and 554/1A of Ganapathy Village, Pappan Thottam, Maniakaranpalayam, Coimbatore.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.13829 of 2017 is closed.

(R.M.D., J.) (M.G.R., J.)
18.05.2017

Index : Yes/No
Internet : Yes
sasi

To:

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(5)

R.MAHADEVAN,J.
AND
M.GOVINDARAJ,J.

(sasi)

W.P.No.12960 of 2017

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<http://www.judis.nic.in>