



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P (MD) No.17385 of 2014

and

M.P. (MD) .No.1 of 2014

M.S.Veerappan

.. Petitioner

Vs.

1.The District collector,
Sivagangai District.

2.The Tahsildar,
Karaikudi,
Karaikudi Taluk,
Sivagangai District.

3.The District Manager,
TASMAC, Sivagangai.

4.The President,
Kottaiyur Town Panchayat,
Karaikudi,
Sivagangai District.

5.K.Anand

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.R/1983/2014, dated 20.10.2014 passed by the 3rd respondent, quash the same and consequently, forbear the respondents from opening the shop in Shop No.7581 situated at Ward No.11, Trichy - Pudukkottai Bye Pass Road, Kottaiyur Town Panchayat, Karaikudi Taluk.

For Petitioner : Mr.J.Anandkumar

For Respondents 1 & 2 :Mr.R.Anandaraj,
Government Advocate

For 3rd respondent : Mr.Muniasamy

For 4th respondent : Mr.J.Gunaseelan Muthiah

For 5th respondent : No appearance



ORDER

This writ petition has been filed challenging order passed by the third respondent in Na.Ka.No.R/1983/2014, dated 20.10.2014 granting permission to open Shop No.7581, at Trichy-Pudukkottai Bypass Road, Kottaiyur Town Panchayat, Karaikudi Taluk.

2.The learned counsel for the petitioner submitted that the petitioner is a resident of Kottaiyur Town, Karaikudi Taluk, Sivagangai District. The third respondent identified a shop in that locality for the purpose of selling liquors. There were objections by the people of that area. Despite the same, a shop was opened. Since the shop was located near the schools, church, mosque and temples and also within the prohibited distance, the petitioner has approached this Court in W.P.(MD).No.4274 of 2014 and this Court, vide order dated 16.09.2014, directed the petitioner to submit a representation to the third respondent within a period of two weeks and then, directed the third respondent to consider the same after affording sufficient opportunity to petitioner and other necessary parties within a period four weeks thereafter. But, due to unavoidable circumstances, the petitioner could not submit his representation. In the meantime, the third respondent, by passing the impugned order dated 20.10.2014, granted permission to open the shop in the same address. Hence, the petitioner has filed the present writ petition challenging the said order. When the matter came up for admission, this Court has granted interim injunction restraining the respondents from opening the said shop.

3.Today, when the matter was taken up for consideration, the learned counsel third respondent submitted that the said shop has already been shifted and therefore nothing survives for adjudication in this petition. The learned counsel for the petitioner has also not disputed the same.

4.Recording the above submission of the learned counsel for the third respondent, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To,

1.The District collector,

<https://hcservices.ecourts.gov.in/hcservices/> District.



2.The Tahsildar,
Karaikudi,
Karaikudi Taluk,
Sivagangai District.

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3.The District Manager,
TASMAC, Sivagangai.

+1 CC TO M/S.J.ANANDKUMAR,ADVOCATE,SR NO.15360

+1 CC TO THE SPECIAL GOVERNMENT PLEADER SR NO.15582

gcg

MAS/MR:13.04.2017:3P-6C

W.P (MD) No.17385 of 2014
16.03.2017