



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.05.2017
CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.10018 of 2017
and W.M.P (MD) No.7673 of 2017

V.R.Kannan Petitioner

vs.

1) The District Collector,
Madurai District, Madurai.

2) The Assistant Commissioner,
Prohibition and Excise,
Collectorate, Madurai.

3) The General Manager,
TASMAC, Madurai Zonal,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the Impugned order passed by the 3rd Respondent in his proceedings in Na.Ka.No. 5238/2017/D dated 12.05.2017 on the ground that the same is arbitrary, illegal and consequently directing the Respondents to close the TASMAC Shop No. 5238 situated at First Street, Jaihindupuram Madurai City.

For Petitioner	: Mr.M.Ramu
For Respondents - 1 & 2	: Mr.B.Pugalendhi, Additional Advocate General assisted by Mr.T.R.Janarthanam Additional Government Pleader
For Respondent - 3	: Mr.T.Muniasamy

ORDER

(Order of the Court was made by M.V.MURALIDARAN, J.)

Heard Mr.M.Ramu, learned counsel appearing for the petitioner and Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.T.R.Janarthanam, learned Additional Government Pleader, who takes notice for the respondents 1 and 2 and Mr.T.Muniasamy, learned counsel, who takes notice for the respondent No. 3.

2.By consent of both parties, this Writ Petition itself is taken up for final disposal.



3. The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the third respondent in his proceedings in Na.Ka.No. 5238/2017/D dated 12.05.2017 and consequently directing the respondents to close the TASMAL Shop No. 5238 situated at First Street, Jaihindupuram Madurai City.

4. The learned counsel for the petitioner submitted that the impugned order was passed without hearing the grievance of the public.

5. In view of the submission of the learned counsel for the petitioner the impugned order is set aside. The matter is remanded back to the respondents. The respondents are directed to reconsider the issue in the light of the judgment of the Hon'ble Supreme Court in State of Tamil Nadu and others vs. K.Balu and another (Civil Appeal Nos. 12164 to 12166 of 2016, dated 31.03.2017) followed by the First Bench of the Principal Seat of this Court in D.Ramesh vs. The District Collector, Namakkal District, Namakkal and two others (W.P.No. 9373 of 2017, decided on 18.04.2017) and also in accordance with the Tamil Nadu Liquor Retail Vending (In-shops and Bars) Rules, 2003 framed under the Tamil Nadu Prohibition Act, 1937 and pass appropriate orders on merits and in accordance with law after affording an opportunity of personal hearing to the parties concerned, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected M.P(MD) No. 7673 of 2017 is closed.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To

1) The District Collector, Madurai District, Madurai.

2) The Assistant Commissioner, Prohibition and Excise, Collectorate, Madurai.

3) The General Manager, TASMAL, Madurai Zonal, Madurai.

+One cc to Mr. P. Ramu, Advocate, SR.No. 57592

+One cc to The Special Government Pleader, SR.No. 57638

CM

RL/6C/2P/SV/MMS/SAR1/16/6/2017

.PMD) No. 10018 of 2017
and

W.M.P (MD) No. 7673 of 2017
25/05/2017