



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM :

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.14698 to 14700 of 2017

C.Murugan	: Petitioner in W.P(MD)No.14698/2017
C.Selvam	: Petitioner in W.P(MD)No.14699/2017
S.Karthik	: Petitioner in W.P(MD)No.14700/2017

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Senior Regional Manager,
TASMAC Ltd.,
Plot No.100, Anna Nagar,
Madurai.
3. The District Manager,
TASMAC Ltd.,
Madurai South,
Kappalur Village,
Thirumangalam Taluk,
Madurai District.

... Respondents
in all the three petitions

COMMON PRAYER: Writ Petitions have filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to allow the petitioners to run the Bars attached to their Shop Nos.5316, 5556 and 5314 at Thirupparankundram, Madurai District, based on their representation dated 02.08.2017.

For Petitioners	: Mr.P.Arun Jayatram
(In all petitions)	
For Respondents	: Mr.S.Kumar,
(In all petitions)	Additional Government Pleader for R.1
	Mr.H.Arumugam for R.2 and R.3

COMMON ORDER

These writ petitions have been filed seeking a Writ of Mandamus to direct the respondents to allow the petitioners to run the Bars attached to their Shop Nos.5316, 5556 and 5314 at

Thirupparankundram, Madurai District, based on their representation dated 02.08.2017.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the first respondent and Mr.H.Arumugam, learned Standing Counsel takes notice for respondents 2 and 3.

3. By consent, the writ petitions are taken up for final disposal at the admission stage itself.

4. The case of the petitioners is that they were granted licence to run the Bars attached to the TASMAL Shops bearing No.5316, 5556 and 5314, by proceedings of the third respondent dated 08.09.2015, 31.08.2015 and 04.09.2015 respectively. Thereafter, Shop No.5316 was shifted to some other place, based on the direction given by the Hon'ble Apex Court in Civil Appeal Nos.12164 to 12166 of 2016, dated 15.12.2016. The other two shops, viz., Shop Nos.5556 and 5314, were already running in the places, as directed by the Hon'ble Apex Court and all the three shops were running as per the conditions stipulated under Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules 2003. While so, the grievance of the petitioners is that due to the agitation of public, the third respondent orally instructed that the said shops will be closed shortly. Aggrieved by the same, the petitioners submitted a representation before the respondents dated 02.08.2017. As the same has not been considered so far, they are before this Court.

5. The learned Counsel appearing for the petitioners, would submit that it would suffice, if their representations dated 02.08.2017, are disposed of by the respondents as per law. The learned Counsel for the petitioners also placed reliance on the order of this Court in **N.Ramadoss Naidu v. The District Collector, Madurai District, Madurai and others [W.P(MD)No.11997 of 2017, decided on 27.07.2017]**, wherein, this Court had directed the respondents therein, to consider and pass appropriate orders on the representation of the petitioner therein and the operative portion is extracted as under:

... "5. Hence, the respondents 1 to 3 are directed to consider the representation of the petitioner dated 12.06.2017 and pass necessary orders, within a period of six weeks from the date of receipt of a copy of this order, after hearing the petitioner as well the rival claimants, if any"...

6. Considering the facts and circumstances of the case and following the above judgment, this Court, without going into the merits of the claim of the petitioners, directs the respondents 1 to 3 to consider the representation of the petitioners, dated 02.08.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioners as well as all the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.



7. Accordingly, these writ petitions are disposed of as above.
No costs.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The Senior Regional Manager,
TASMAC Ltd.,
Plot No.100, Anna Nagar, Madurai.
3. The District Manager,
TASMAC Ltd.,
Madurai South,
Kappalur Village,
Thirumangalam Taluk,
Madurai District.

- + 3 CC TO Mr.P.ARUN JAYATRAM, ADVOCATE IN SR No. 70791
- + 1 CC TO Mr.H.ARUMUGAM, ADVOCATE IN SR No. 71241
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71319

GK

TE/MR-KKR/SAR-IV : 11/08/2017 : 3P/9C

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