



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.17656 of 2017

M.Chandrabose : Petitioner

.vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Assistant Commissioner,
Excise and Kalal Division,
District Collectorate Buildings,
Madurai.
3. The District Manager,
Tamil Nadu Marketing Corporation,
Madurai-Ramanathapuram Main Road,
Manalur,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents to consider the Petitioner's representation, dated 8.9.2017 and stop opening the new TASMAL retail outlet in the proposed site.

For Petitioner	: No appearance
For Respondents	: Mr.M.Govindan
1 and 2	Special Govt.Pleader
For Respondent-3	: Mr.H.Arumugam

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to consider the Petitioner's representation, dated 8.9.2017 and stop opening the



new TASMAC retail outlet in the proposed site.

2.No representation on behalf of the Petitioner. Heard the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel for the third respondent.

3.By consent, the main Writ Petition itself is taken up for final disposal.

4.According to the Petitioner, the third respondent has proposed to establish a new TASMAC Retail Outlet in Petitioner's Ward No.27, of Madurai Corporation at No.13, S.Kodikulam, Madurai-Alagarkoil Road, Madurai and the area is fully surrounded by hospitals, especially, Devadass Multi-Speciality Hospital, Arthi Hospital, Ganesan Maternity and Orthopaedic Clinic, Nalam Homeopathy Clinic and Palani Balaji Artificial Fertilization Centre. Apart from these hospitals, one Primary School is also functioning, which is just opposite to the proposed TASMAC Shop.

5.The grievance of the Petitioner is that the new TASMAC Shop is proposed to locate in the the busiest area in Madurai City, which is densely populated residential area and people, especially women, school going children and patients frequently using the road for their day-to-day affairs, will definitely get annoyed by the proposed TASMAC Shop, is opened in the said area. In this connection, the Petitioner appears to have given a representation dated 08.09.2017, addressed to the respondents and the same is pending as on date, which fact is affirmed by the third respondent through its counter at paragraph No.3.

6.In view of the fact that the third respondent has sent proposal seeking permission from the first respondent/The District Collector, Madurai to locate their shop and as on date, the said request made by the third respondent is pending for passing necessary orders under Rule 9 of the Tamil Nadu Liquor Retail Vending(in Shops and Bars)Rules, 2003, this Court without dwelling deep into the merits of the matter and not expressing any opinion one way or other in the subject-matter in issue, directs the first respondent to look into the representation of the Petitioner dated 08.09.2017 and dispose of the same on merits, of course after providing adequate opportunity to the Petitioner and others concerned, if any, and in any event, within a period of six weeks from the date of receipt of a copy of this order. It is open to the Petitioner to raise all factual and legal pleas before the first respondent and the first respondent, if such pleas are raised on behalf of the petitioner, is to advert to the same and pass a crystalline order meeting out the points raised, in the manner known to law and in accordance with law.

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

7.With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.



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Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Assistant Commissioner,
Excise and Kalal Division,
District Collectorate Buildings,
Madurai.
3. The District Manager,
Tamil Nadu Marketing Corporation,
Madurai-Ramanathapuram Main Road,
Manalur,
Sivagangai District.

+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 82084
+1cc to The Special Government Pleader in SR.No.82096

vsn

AE/KP/SAR2/24.10.2017/3P/6C

**ORDER MADE IN
W.P. (MD) No.17656 Of 2017
09.10.2017**