



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P(MD)No.9035 of 2017
and
W.M.P(MD)No.6883 of 2017

Mariappan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kadalady Taluk,
Ramanathapuram District.

3.The District Manager,
TASMAC Limited,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to forbear the respondents from opening/locating the TASMAC Shop No.5866 at Survey No.315/2C1, Patta No.6208, Sayalkudi Village, Kadalady Taluk, Ramanathapuram District and requested by the petitioner's representation, dated 20.04.2017.

For Petitioner : Mr.V.Muthuvelan

For R-1 & R-2 : Mr.B.Pugalendhi,
Additional Advocate General

For R-3 : Mr.M.Muniyasamy

O R D E R

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

Mr.B.Pugalendhi, learned Additional Advocate General takes notice for the respondents 1 & 2 and Mr.M.Muniasamy, learned counsel takes notice for the third respondent.

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

3.Though the prayer in the writ petition is for issuance of a Writ of Mandamus, forbearing the respondents from opening/locating the TASMAG Shop No.5866 at Survey No.315/2C1, Patta No.6208, Sayalkudi Village, Kadalady Taluk, Ramanathapuram District by considering the representation of the petitioner dated 20.04.2017, when the writ petition was taken up for hearing, learned counsel for the petitioner submitted that it is suffice, if a direction is issued to the 1st respondent to consider the representation of the petitioner dated 20.04.2017 and pass orders within a time frame to be fixed by this Court.

4.In view of the limited relief sought for, the 1st respondent is directed to consider the representation of the petitioner dated 20.04.2017 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.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The Tahsildar,
Kadalady Taluk,
Ramanathapuram District.

3.The District Manager,
TASMAC Limited,
Ramanthapuram District,
Ramanathapuram.

+1cc to Mr.V.Muthuvelan, Advocate, SR.No.56572
+1cc to Special Government Pleader , SR.No.56817

PM
AE/RSK/23.05.2017/3P/6C

W.P (MD) No. 9035 of 2017
17.05.2017