



WEB COPY

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.9052 of 2017
and
W.M.P(MD)No.6912 of 2017

A.Ramakrishnan

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Senior Regional Manager,
Tamilnadu State Marketing Corporation,
Madurai Region,
100 feet road,
Anna Nagar, Madurai.
3. The District Manager,
Tamilnadu State Marketing Corporation,
Madurai North,
Ramanathapuram Road,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from shifting or opening new TASMAR shop between M.Othapatti and A.Pudhupatti Villages, which come under the Vellalloor Village, Panchayath, Melur Taluk, Madurai District, pending disposal of the above Writ Petition.

For Petitioner	:	Mr.C.Gunasekaran
For R-1	:	Mr.B.Pugalendhi, Additional Advocate General
For R-2 & 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 first respondent and Mr.M.Muniyasamy, learned counsel takes notice for the second and third respondents.



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 shifting or opening new TASMAC shop between M.Othapatti and A.Pudhupatti Villages, which come under the Vellalloor Village, Panchayath, Melur Taluk, Madurai District, by considering the representation of the petitioner dated 08.05.2017, 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 08.05.2017 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 08.05.2017 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()

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Senior Regional Manager,
Tamilnadu State Marketing Corporation,
Madurai Region,
100 feet road,
Anna Nagar, Madurai.



3. The District Manager,
Tamilnadu State Marketing Corporation,
Madurai North,
Ramanathapuram Road,
Madurai.

+1cc to Special Government Pleader, SR.No. 57009 & 56924
+1cc to M/S.C.Gunasekaran, Advocate SR.No. 56567

W.P (MD) No.9052 of 2017
17.05.2017

JM/JC/SAR 1/22.05.2017/3P/6C