



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

and

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P (MD) No.9067 of 2017

and

WMP (MD) No.6925 of 2017

K.Selvam

.... Petitioner

vs.

1)The District Collector,
Virudhunagar District,
Virudhunagar.

2)The Regional Senior Manager,
Tamil Nadu State Marketing Corporation, (TASMAC)
Virudhunagar District.

3)The District Manager,
Tamil Nadu State Marketing Corporation, (TASMAC)
Virudhunagar District.

.... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to forthwith shift the retail vending liquor shop No.11891 at Palayampatti to Kattankudi Road, Aruppukottai Taluk, Virudhunagar District to any other place in accordance law without any further delay.

For Petitioner : Mr.M.Senthil Ayyanar

For R1 : Mr.B.Pugalendhi

Additional Advocate General assisted by
Mr.T.R.Janarthanam

Additional Government Pleader

For R2 & R3

: Mr.M.Muniasamy

ORDER

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

Mr.B.Pugalendhi, learned Additional Advocate General takes notice for the 1st respondent and Mr.M.Muniasamy, learned counsel takes notice for the respondents 2 and 3. By consent of both parties, this Writ Petition itself is taken up for final disposal.

2.Though the prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to shift the retail vending liquor shop No.11891 at Palayampatti to Kattankudi Road, Aruppukottai Taluk, Virudhunagar District to any other place, 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 11.05.2017 and pass orders within a time frame to be fixed by this Court.

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3. In view of the limited relief sought for, the 1st respondent is directed to consider the representation of the petitioner dated 11.05.2017 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 provisions of 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 petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1) The District Collector,
Virudhunagar District,
Virudhunagar.

2) The Regional Senior Manager,
Tamil Nadu State Marketing Corporation, (TASMAC)
Virudhunagar District.

3) The District Manager,
Tamil Nadu State Marketing Corporation, (TASMAC)
Virudhunagar District.

+1cc to M/S.M.Senthil Ayyanar, Advocate, SR.56647

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.56786

W.PMD) No.9067 of 2017

17.05.2017