



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.9094 of 2017

T.Thangapandi

.... Petitioner

vs.

1)The District Collector,
Virudhunagar District,
Virudhunagar.

2)The Regional Manager,
TASMAC, K.K. Nagar,
Madurai.

3)The District Manager,
TASMAC,
Virudhunagar District,
Virudhunagar.

.... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to relocate the TASMAC shop in Shop No.11827 located in the 12th ward, 52 housing colony nearby muniasamy temple, Thiruthangal, Virudhunagar District to some other interior place on the basis representation dated 10.05.2017.

For Petitioner : Mr.K.K.Samy

For R1 : Mr.B.Pugalendhi

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

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 relocate the TASMAC shop in Shop No.11827 located in the 12th Ward, 52 Housing Colony, nearby Muniasamy Temple, Thiruthangal, Virudhunagar District, to



some other interior place on the basis of the representation dated 10.05.2017, 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 10.05.2017 and pass orders within a time frame to be fixed by this Court.

3. In view of the limited relief sought for, the 1st respondent is directed to consider the representation of the petitioner dated 10.05.2017 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.

Sd/-
Vacation Officer/
assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1) The District Collector,
Virudhunagar District, Virudhunagar.

2) The Regional Manager,
TASMAC, K.K. Nagar,
Madurai.

3) The District Manager,
TASMAC, Virudhunagar District, Virudhunagar.
+One cc to The Special Government Pleader, SR.No.56787
+One cc to Mr.K.K.Samy, Advocate, SR.No.56894

nbi

RL/6C/2P/RSK/SAR3/19.5.2017