



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.9112 of 2017

and

WMP(MD)No.6940 of 2017

R.Senthilkumar

.... Petitioner

vs.

1)The District Collector,
Trichy District.

2)The Revenue Divisional Officer,
Musiri,
Trichy District.

3)The Tahsildar,
Turaiyur Taluk,
Trichy District.

4)The District Manager,
TASMAC, Thuvakkudi,
Trichy District.

5)The Deputy Superintendent of Police,
Musiri,
Trichy District.

6)The Inspector of Police,
Turaiyur Police Station,
Trichy District.

.... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to close and remove the TASMAC shop started in Pudalathi Village, Marady Post, Turaiyur Taluk, Trichy District, by considering the representations dated 10.05.2017 and 15.05.2017.

For Petitioner : Mr.N.Mohan

For R1 to 3, 5 and 6 : Mr.T.R.Janarthanam

Additional Government Pleader

ORDER

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

Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondents R1 to 3, 5 and 6.

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, directing the respondents to close and remove the TASMAC shop started in Pudalathi Village, Marady Post, Turaiyur Taluk, Trichy District, by considering the representations of the petitioner dated 10.05.2017 and 15.05.2017 respectively, 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 representations of the petitioner dated 10.05.2017 and 15.05.2017 respectively 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 representations of the petitioner dated 10.05.2017 and 15.05.2017 respectively, 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.

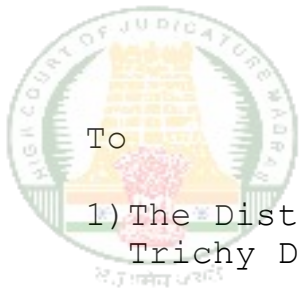
With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar



To

1) The District Collector,
Trichy District.

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5) The Deputy Superintendent of Police,
Musiri,
Trichy District.

6) The Inspector of Police,
Turaiyur Police Station,
Trichy District.

+1cc to Mr.N.Mohan, Advocate Sr.No.56633
+1cc to Spl.Government Pleader Sr.No.56788

nbi

vb/rsk/sar1/22.05.2017/3p/9c

W.PMD) No.9112 of 2017

17.05.2017