



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.9131 of 2017

and

WMP (MD) Nos.6950 and 6951 of 2017

A.K.Mathivanan

.... Petitioner

vs.

1)The District Collector,
Collectorate Buildings,
Vallam Road,
Thanjavur District,
Thanjavur.

2The District Manager/Sub-Collector,
TASMAC,
Thanjavur District,
Thanjavur.

3)The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

4)The Tahsildar,
Pattukkottai Taluk,
Thanjavur District.

5)V.Palanivel

.... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed in Na.Ka.No.7854/RV-2/2017 dated 12.05.2017 of 2nd respondent and quash the same and consequently directing the respondents 1 and 2 to ensure that not to establish any TASMAC retail liquor shop in the petitioner's village.

For Petitioner : Mr.D.R.Murugesan

For R1, R3 & R4 : Mr.B.Pugalendhi

Additional Advocate General assisted
by

Mr.T.R.Janarthanam

Additional Government Pleader

: 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 respondents 1, 3 and 4 and Mr.M.Muniasamy, learned counsel takes notice for the 2nd respondent. 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 Certiorarified Mandamus, calling for the records relating to the order passed in Na.Ka.No.7854/RV-2/2017 dated 12.05.2017 of the 2nd respondent and quash the same and to direct the respondents 1 and 2 to ensure that TASMAL retail liquor shop is not established in the petitioner's village, 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 06.05.2017 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 06.05.2017 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 petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1)The District Collector,
Collectorate Buildings,
Vallam Road,
Thanjavur District,
Thanjavur.



2) The District Manager/Sub-Collector
TASMAC,
Thanjavur District,
Thanjavur.

3) The Revenue Divisional Officer,
Pattukkottai,
Thanjavur District.

4) The Tahsildar,
Pattukkottai Taluk,
Thanjavur District.

+1cc to M/S.D.P.Murugesan, Advocate, SR.No.56665

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.56789

W.P (MD) No.9131 of 2017

17.05.2017

NBI

kk/SV MMS/SAR3-23.05.2017-3P-7C