

**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.9215 of 2017
and
W.M.P. (MD) No.7003 of 2017

A.Marisamy

... Petitioner

Vs.

1. The District Collector,
Collectorate Buildings,
Thoothukudi District.
2. The District Manager,
TASMAC,
SIPCOT Campus,
Thoothukudi District.
3. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 not to establish TASMAC-Wine Shop and Bar in the property of Thavasiyammal, W/o. Marimuthudevar, in Survey No.253/6A at Pudhur Vilathikulam Taluk Thoothukudi District, on the basis of the petitioner's representation dated 12.05.2017.

For Petitioner : Mr.K.Jayaseelan
For Respondents : Mr.B.Pugalendhi,
Additional Advocate General.
for Mr.M.Muniyasamy

O R D E R(Order of the court was made by **M.V.MURALIDARAN,J.)**<https://hcservices.ecourts.gov.in/hcservices/>

Mr.B.Pugalendhi, learned Additional Advocate General takes notice for the 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, directing the respondents not to establish TASMAC-Wine Shop and Bar in the property of Thavasiyammal, W/o. Marimuthudevar, in Survey No.253/6A at Pudhur Vilathikulam Taluk Thoothukudi District, on the basis of the petitioner's representation dated 12.05.2017, 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 12.05.2017 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 12.05.2017, 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.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate Buildings,
Thoothukudi District.

2. The District Manager,
TASMAC,

<https://hcservices.ecourts.gov.in/cases>,

Thoothukudi District.



3. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

+1cc to M/S. K.JEYASEELAN, Advocate, SR.No.56799.

+1cc to Special Government Pleader, SR.No.56812.

W.P. (MD) No.9215 of 2017 and
W.M.P. (MD) No.7003 of 2017
17.05.2017

SDS/JC/23.05.2017/3P/6C