



**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.9219 of 2017
and
W.M.P. (MD) No.7004 of 2017**

Kulanthaisamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

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

3.The District Manager,
Tamil Nadu State Marketing Corporation(TASMAC),
Sivagangai 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 herein not to start the retail vending liquor shop No.7578 at Athankudi Vilakku, Variyanvayal Salai, Variyanvayal Village, Devakottai Taluk, Sivagangai District and consider the petitioner's representations dated 08.05.2017 and 15.05.2017 respectively.

For Petitioner : Mr.A.Muralikumar

For Respondents : Mr.B.Pugalendhi,
Additional Advocate General.
for Mr.M.Muniyandi

O R D E R

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

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 herein not to start the retail vending liquor shop No.7578 at Athankudi Vilakku, Variyanvayal Salai, Variyanvayal Village, Devakottai Taluk, Sivagangai District and consider the petitioner's representations dated 08.05.2017 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 03.05.2017 08.05.2017 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 representation of the petitioner dated 08.05.2017 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.

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District,
Sivagangai.

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



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

+1cc to Mr.A.Muralikumar, Advocate in SR.No.56659
+1 cc to Special Government Pleader in SR.No.56811

Ps/ssl

AE/MMS/SAR3/29.05.2017/3P/6C

W.P. (MD) No.9219 of 2017
and
W.M.P. (MD) No.7004 of 2017
17.05.2017