

**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.9256 of 2017
and
W.M.P. (MD) No.7037 of 2017

K.Chelladurai

... Petitioner

Vs.

1. The Senior Regional Manager,
TASMAC, Anna Nagar,
Madurai-8.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The District Manager,
TASMAC,
Ramanathapuram District,
Ramanathapuram.
4. The Deputy Commissioner of Excise,
Ramanathapuram,
Ramanathapuram District.
5. The Tahsildar,
Paramakudi Taluk Office,
Paramakudi,
Ramanathapuram District.
6. The Tahsildar, (Excise),
Paramakudi,
Ramanathapuram District.
7. The Special Officer,
The Thelichathanallur Panchayat,
Thelichathanallur,
Paramakudi Taluk,
Ramanathapuram District.



8. Murugan

... 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 6 to remove the TASMAL Shop No. 6966 from the property bearing Survey No. 468/12A and 468/12B in Tehlichathanallur Panchayat, Paramakudi Taluk, Ramanathapuram District, based on the petitioner's representation, dated 29.04.2017 within the time limit as fixed by this Court.

For Petitioner : M/S. M.S.Jeyakarthik
For Respondents 1 to 7 : 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.**)

Mr.B.Pugalendhi, learned Additional Advocate General takes notice for the respondents 1 to 7.

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 second respondent to close and remove the TASMAL Shop No. 6966 from the property bearing Survey No. 468/12A and 468/12B in Tehlichathanallur Panchayat, Paramakudi Taluk, Ramanathapuram District, based on the petitioner's representation, dated 29.04.2017, 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 second respondent to consider the representation of the petitioner dated 29.04.2017 and pass orders within a time frame to be fixed by this Court.

4.In view of the limited relief sought for, the second respondent is directed to consider the representation of the petitioner dated 29.04.2017, 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/-
Vacation Officer

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/True Copy/

Sub Assistant Registrar

To

1. The Senior Regional Manager,
TASMAC, Anna Nagar,
Madurai-8.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The District Manager,
TASMAC,
Ramanathapuram District,
Ramanathapuram.
4. The Deputy Commissioner of Excise,
Ramanathapuram,
Ramanathapuram District.
5. The Tahsildar,
Paramakudi Taluk Office,
Paramakudi,
Ramanathapuram District.
6. The Tahsildar, (Excise),
Paramakudi,
Ramanathapuram District.
7. The Special Officer,
The Thelichathanallur Panchayat,
Thelichathanallur,
Paramakudi Taluk,
Ramanathapuram District.

+1cc to M/S. M.S.JEYAKARTHIK, Advocate, SR.No.56641.

+1cc to Special Government Pleader, SR.No.56820.

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and

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