



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2017

CORAM:

THE HONOURABLE **MR.JUSTICE M.V.MURALIDARAN**
ANDTHE HONOURABLE **MR.JUSTICE C.V.KARTHIKEYAN**
W.P. (MD) No. 9370 of 2017
and W.M.P. (MD) 7135 of 2017

WEB COPY

P.Vilvalingam

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.2. The District Manager,
TASMAC,
Opp. To RTO Office,
Ramanathapuram,
Ramanathapuram District.3. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in NaKaP4/17865/2017 dated 05.05.2017 and quash the same and consequently direct the respondents to close down the TASMAC shop bearing Shop No.6867 which situates at Kannirajapuram, Kel Theru (14th Ward), Sayakudi Town, Sayalkudi.

For Petitioner

: Mr. D.Sasikumar

For R1 & R3

: Mr. B.Pugalendhi

Additional Advocate General

Assisted by Mr.T.R.Janarthanam

Additional Government Pleader

For R2

: Mr.M.Muniyasamy

O R D E R

Heard the learned counsel appearing for the petitioner and Mr.B.Pugalendhi, learned Additional Advocate General, assisted by <https://hcservices.ecourts.gov.in/hcservices/> Mr.T.R.Janarthanam, learned Additional Government Pleader, who takes notice for the respondents.



2. By consent of parties, the main Writ Petition itself is taken up for final disposal.

3. The petitioner averred in the affidavit among other things that the first respondent failed to note that the Assistant Commissioner (Excise) Ramanathapuram has filed an improper report without making any personal visit to the shop and nearby locations.

4. Considering the fact that the Assistant Commissioner (Excise) Ramanathapuram has filed an improper report without making any personal visit to the shop, the impugned order is set aside and the matter is remanded back to the concerned authorities for fresh consideration. Accordingly, the first respondent is directed to make personal visit to the place of TASMAC shop and the petitioner alone shall be present when the first respondent visits the place.

5. After visiting the place, the first respondent shall consider the case of the petitioner 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.

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

Sd/-
Vacation Officer

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

<https://hcservices.hcjd.gov.in/ser/M>
2. The District Collector, TASMAC,
Opp. To RTO Office, Ramanathapuram,
Ramanathapuram District.



3.The Tahsildar, Kadaladi Taluk,
Ramanathapuram District, Ramanathapuram.

+1 CC to M/s.D.SASIKUMAR, Advocate, SR No. 57491

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 57636.

CM/MR/KM

PSM/RSK/SAR2/01.06.2017/3P/6C

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