



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

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W.P (MD) No.9414 of 2017
and
WMP (MD) No.7164 of 2017

T.S.S.Kesava Raja

.... Petitioner

vs.

1.The Commissioner of Prohibition and Excise(i/c),
Chepauk, Chennai-600 005.

2.The District Collector,
Virudhunagar District.

3.The Superintendent of Police,
Virudhunagar District.

4.The Managing Director (TASMAC),
Tamil Nadu State Marketing Corporation,
C.M.D.A. Building, Tower-II, Gandhi Irwin Bridge,
Egmore, Chennai.

5.The District Manager, (TASMAC),
Soolakkarai,
Virudhunagar District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to closedown the TASMAC Wine shop bearing registration No.11827, functioning at Door No.58, Ashok Takkis Road, Rajapalayam, Virudhunagar District.

For Petitioner	: Mr.G.Jeremiah
For R1 to R3	: Mr.B.Pugalendhi
	Additional Advocate General
	Assisted by
	Mr.T.R.Janarthanam
	Additional Government Pleader
For R4 & R5	:Mr.M.Muniasamy

ORDER

Mr.T.R.Janarthanam, learned Additional Government Pleader
takes notice for the respondents 1 to 3 and Mr.M.Muniasamy,



learned counsel takes notice for the respondents 4 & 5.

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 to close and remove the TASMAL Wine shop bearing registration No.11827, functioning at Door No.58, Ashok Takkis Road, Rajapalayam, Virudhunagar District. 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 27.04.2017 and pass orders within a time frame to be fixed by this Court.

4. In view of the limited relief sought for, the 1st respondent is directed to consider the representation of the petitioner dated 27.04.2017 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.

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

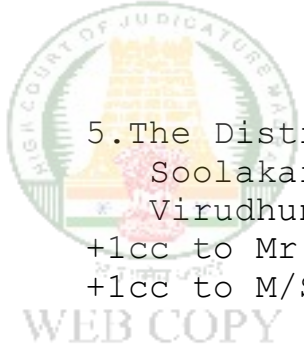
Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Prohibition and Excise(i/c),
Chepauk, Chennai-600 005.
2. The District Collector,
Virudhunagar District.
3. The Superintendent of Police,
Virudhunagar District.
4. The Managing Director (TASMAL),
Tamil Nadu State Marketing Corporation,
G.M.D.A. Building, Tower-II, Gandhi Irwin Bridge,
Egmore, Chennai.



5.The District Manager, (TASMAC),
Soolakarai,
Virudhunagar District.

+1cc to Mr.G.Jeremiah,Advocate,SR.57321

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 57651

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W.P (MD) No.9414 of 2017
24.05.2017

TA/SM/RR

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