



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

and

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9445 of 2017

and

W.M.P(MD)No.7178 of 2017

Jeganathan

.... Petitioner

vs.

1. The District Collector,
Karur District,
Karur.

2. The District Manager,
TASMAC,
Karur.

3. The Thasildar,
Aravakurichi Taluk,
Karur District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents forbearing the respondents from running the TASMAC Liquor Vending Shop No.5009 in the limit of their village namely Karvizhi Village, Aravakurichi Taluk, Karur District as per their representations dated 08.05.2017 and 15.05.2017.

For Petitioner	: Mr.S.Gokul Raj
For R1 & R3	: Mr.B.Pugalendhi, Additional Advocate General, assisted by Mr.T.R.Janarthanam, Additional Government Pleader.
For R2	: Mr.T.Muniasamy

ORDER

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

Heard Mr.S.Gokul Raj, learned counsel appearing for the petitioner, Mr.B.Pugalendhi, Additional Advocate General, assisted by T.R.Janarthanam, Additional Government Pleader appearing for the Respondents 1 and 3 and Mr.T.Muniasamy, learned counsel appearing for the 2nd respondent.



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, forbearing the respondents from running the TASMAL Liquor Vending Shop No.5009 in the limit of their village namely Karvizhi Village, Aravakurichi Taluk, Karur District as per their 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 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 representations 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, connected W.M.P.(MD) No.7178 of 2017 is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To
1.The District Collector,
Karur District,
Karur.

2.The District Manager,
TASMAL,
Karur.



3.The Thasildar,
Aravakurichi Taluk,
Karur District.

+1 CC to Mr.S.Gokulraj, Advocate, SR No. 57062

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 57645

CM

PSM/RSK/SAR3/31.05.2017/3P/6C

W.P(MD)No.9445 of 2017

and

W.M.P(MD)No.7178 of 2017

24.05.2017