



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD) No.9446 of 2017
and
WMP (MD) No.7179 of 2017

P.Arjun

... Petitioner

vs.

1. The District Collector,
Trichy District.
2. The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC)
Thuvakudi,
Trichy District.
3. The Executive Officer,
Nallampillai Village Panchayat,
Manaparai Taluk,
Trichy District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to close the TASMAC shop in shop No.10568 situated at Veerappur-Poosaripatti, Nallampillai Village, Manaparai Taluk, Trichy District by considering the representation dated 13.05.2017 of the petitioner and resolution dated 01.05.2017 passed in the Village committee Meeting.

For Petitioner	: Mr.J.Anandkumar
For R1 & R3	: Mr.B.Pugalendhi Additional Advocate General Assisted by Mr.T.R.Janarthanam, Additional Government Pleader
For R2	: Mr.M.Muniasamy

**ORDER**

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

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Heard Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.T.R.Janarthanan, learned Additional Government Pleader, who takes notice for the respondents 1 & 3, and Mr.M.Muniasamy, learned counsel, who takes notice for the 2nd respondent.

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

3.The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to close and remove the TASMACH shop No.10568 situated at Veerappur-Poosaripatti, Nallampillai Village, Manaparai Taluk, Trichy District, by considering the representation dated 13.05.2017 of the petitioner and resolution dated 01.05.2017 and 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 dated 13.05.2017 of the petitioner 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 13.05.2017, 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, connected C.M.P.(MD) No.7179 of 2017 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

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Sub Assistant Registrar



To

1.The District Collector,
Trichy District.

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2.The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC)
Thuvakudi, Trichy District.

3.The Executive Officer,
Nallampillai Village Panchayat,
Manaparai Taluk,
Trichy District.

+ 1 CC TO Mr.J.ANANDKUMAR, ADVOCATE IN SR No. 57208
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 57653

CM

TE/SV/SAR-IV : 31/05/2017 : 3P/6C

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WMP(MD)No.7179 of 2017
24.05.2017