



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.9460 of 2017

T.Ramesh

.... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Assistant Commissioner,
Prohibition and Excise,
Collectorate, Tirunelveli.

3.The General Manager,
TASMAC, Tirunelveli.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents not to install the TASMAC shops in Survey No.1415 at North valliyoor Village, Part-II, Radhapuram Taluk, Tirunelveli District on the basis of the petitioner's representation dated 10.04.2017.

For Petitioner	: Mr.M.Ramu
For R1 & R2	: Mr.B.Pugalendhi Additional Advocate General, assisted by Mr.T.R.Janarthanan, Additional Government Pleader
For R3	: Mr.M.Muniasamy

ORDER

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

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 and 2 and Mr.M.Muniasamy, learned counsel, who takes notice for the third 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 not to install the TASMAC shops in Survey No.1415 at North valliyoor Village, Part-II,



Radhapuram Taluk, Tirunelveli District on the basis of the petitioner's representation dated 10.04.2017 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 of the petitioner dated 10.04.2017 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 10.04.2017, 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.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Assistant Commissioner,
Prohibition and Excise, Collectorate, Tirunelveli.
3. The General Manager, TASMAL, Tirunelveli.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.57654
+1cc to M/s. M.RAMU Advocate in SR. No.57593

TSG/CM
JS/JC/SAR.3/31.05.2017/2P-6C

W.P (MD) No.9460 of 2017
24.05.2017