



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.9532 of 2017

K.Muthuraja Petitioner

vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Manager, (TASMAC),
Office of District Collectorate,
Virudhunagar District,
Virudhunagar.

..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent either to shift the TASMAC No.12028 to some other place other than that of petitioner's residential area or to remove the TASMAC shop No.12028 situated in Krishnankoil, Srivilliputhur Taluk, Virudhunagar District on the basis of the petitioner's representation dated 15.05.2017.

For Petitioner : Mr.M.Sankar

For Respondent 1 : Mr.B.Pugalendhi
Additional Advocate General
Assisted by Mr.T.R.Janarthanam,
Additional Government Pleader

For Respondent 2 : Mr.M.Muniasamy

ORDER

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

Heard the learned counsel for the petitioner and Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.T.R.Janarthanam, learned Additional Government Pleader, who takes notice for the 1st respondent 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.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the first respondent either to shift the



TASMAC No.12028 to some other place other than that of petitioner's residential area of to remove the TASMAC shop No.12028 situated in Krishnankoil, Srivilliputhur Taluk, Virudhunagar District on the basis of the petitioner's representation dated 15.05.2017 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 15.05.2017 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 15.05.2017, 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.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Manager, (TASMAC),
Office of District Collectorate,
Virudhunagar District,
Virudhunagar.

+1 cc to MR.M.Sankar, Advocate in SR.No. 57143
+1 cc to Special Government Pleader in SR.No.57658

tsg/cm
AE/RR/SAR2/01.06.2017/3P/5C

W.P (MD) No.9532 of 2017
25.05.2017