



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.9564 of 2017

K.Periyandavar

.... Petitioner

vs.

1) The District Collector,
Virudhunagar District, Virudhunagar.

2. The District Manager,
TASMAC,
Office of District Collectorate,
Virudhunagar District,
Virudhunagar.

.... Respondents

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.11985 to some other place other than that of petitioner's residential area or to remove the TASMAC shop NO.119885, situated in L.Mettur Village, Vembakottai Taluk, Virudhunagar District on the basis of the petitioner's representation dated 27.4.2017.

For Petitioner	: Mr.M.Sankar
For R1	: Mr.B.Pugelendhi, Additional Advocate General, assisted by Mr.T.R.Janarthanam, Additional Government Pleader.
For R2	: Mr.M.Muniasamy

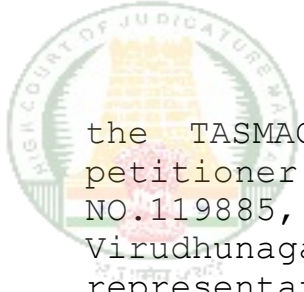
ORDER

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

Heard learned counsel appearing for the petitioner, Mr.B.Pugelendhi, Additional Advocate General, assisted by T.R.Janarthanam, Additional Government Pleader appearing for the respondents 1 and Mr.M.Muniasamy, learned counsel appearing for the second 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, directing the first respondent either to shift



the TASMAL NO.11985 to some other place other than that of petitioner's residential area or to remove the TASMAL shop NO.119885, situated in L.Mettur Village, Vembakottai Taluk, Virudhunagar District on the basis of the petitioner's representation dated 27.4.2017, 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.

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,
Virudhunagar District.

2.The District Manager,
TASMAL,
Office of District Collectorate,
Virudhunagar District, Virudhunagar.

+1 CC to Mr.M.Sankar, Advocate, SR No. 57142.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 57657.

CM

PSM/RSK/SAR3/31.05.2017/2P/5C

W.P (MD) No.9564 of 2017
24.05.2017