



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.9737 of 2017

and

WMP (MD) No.7474 of 2017

Rajendran

.... Petitioner

vs.

1) The District Collector,
Kanyakumari District,
Kanyakumari.

2) The District manager,
TASMAC, Kanyakumari District,
Kanyakumari.

3) The Assistant Commissioner,
Excise Department,
Nagarkovil.
Kanyakumari District.

4) The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents No. 1&2 not to shift, open and run TASMAC shop NO.4860 abutting Eraniel-Thukalay road in Building No.9/136C, at Eraniel Konam, Kanyakumari District which is located 400 meters away from Thotiyodu-Pudukadai State Highway by considering the petitioner's representations dated 087.05.2017.

For Petitioner : Mr. R.Gandhi

For R1, 3 and 4 : Mr.B.Pugalendhi,
Additional Accountant 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.**)

Mr.T.R.Janarthanam, learned Additional Government Pleader
<https://hcservices.ecourts.gov.in/hcservices/>
takes notice for the respondents 1, 3 and 4 and Mr.M.Muniasamy,
learned counsel takes notice 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 respondents not to shift, open and run the TASMAL shop No.4860 abutting Eraniel-Thukalay road in Building No.9/136C, at Eraniel Konam, Kanyakumari District, which is located 200 meters away from Thotiyadu-Pudukadai State Highways by considering the representation of the petitioner dated 08.05.2017, 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 first respondent to consider the representation of the petitioner dated 08.05.2017 and pass orders within a time frame to be fixed by this Court.

4.In view of the limited relief sought for, the first respondent is directed to consider the representation of the petitioner dated 08.05.2017, 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.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(C.S.)

To

- 1) The District Collector,
Kanyakumari District,
Kanyakumari.
- 2) The District manager,
TASMAL, Kanyakumari District,
Kanyakumari.
- 3) The Assistant Commissioner,
Excise Department,
Nagarkovil. Kanyakumari District.



4) The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

+1cc to M/S.R.GANDHI, Advocate SR.No.57099

+1cc to Special Government Pleader, SR.No.57650

km/skn

MAS/SV-MMS/SAR 1/21.06.2017/4P/7C

W.P (MD) No.9737 of 2017
24.05.2017