



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2017

CORAM :

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

W.P(MD)No.9815 of 2017
and
WMP(MD)No.7518 of 2017

N.Muniyandi

.... Petitioner

vs.

1)The District Collector,
Pudukottai District.

2)The District Manager,
The Tamilnadu State Marketing Corporation(TASMAC),
Pudukottai District.

.... Respondents

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 bearing No.6753 located near Pudukottai District Corporative Spinning Mill in Duraiarasapuram Village, Pudukkottai District.

For Petitioner : Mr.T.Antony Arulraj

For R1 : Mr.B.Pugalendhi,
Additional Advocate General, assisted by
Mr.T.R.Janarthanam,
Additional Government Pleader.

For R2 : Mr.T.Muniasamy

ORDER

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

Heard Mr.T.Antony Arulraj, learned counsel appearing for the petitioner, Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.T.R.Janarthanam, Additional Government Pleader, who appearing for the 1st respondent and Mr.T.Muniasamy, learned counsel appearing for the 2nd 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 to close the TASMAL Shop bearing No.6753 located near Pudukottai District Corporative Spinning Mill in Duraiarasapuram Village, Pudukkottai District, 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 representations of the petitioner dated 09.05.2017 and pass orders within a time frame to be fixed by this Court.

4.In view of the limited relief sought for, the 1st respondent is directed to consider the representations of the petitioner dated 09.05.2017, 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 miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1)The District Collector,
Pudukottai District.

2)The District Manager,
The Tamilnadu State Marketing Corporation(TASMAL),
Pudukottai District.



+1 cc to Mr.T.Antony Arulraj , Advocate in SR.No. 57197
+1 cc to Special Government Pleader in SR.No.57641

MYR/cm

AE/SKN/SAR1/29.05.2017/3P/5C

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and
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25.05.2017