



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.9865 of 2017
and
W.M.P (MD) No.7560 of 2017

B.Dhayalan Petitioner
vs.

- 1)The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Ltd (TASMAC),
Madurai Region, No.100, Anna Nagar, Madurai-625020.
- 2)The District Collector, Collectorate Building,
Ramanathapuram, Ramanathapuram District.
- 3)The Branch Manager, Tamil Nadu State Marketing,
Corporation Ltd(TASMAC), Ramanathapuram. ... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to prohibit TASMAC Shop No.6805 in Paramakudi to Thenapudukkottai Road in T.S.No.50/5B1 at Manjalpattinam Village, Paramakudi Taluk, Ramanathapuram District based on the Petitioner's representation dated 29.04.2017.

For Petitioner	: Mr.D.Senthil
For Respondent-2	: Mr.B.Pugalendhi, Additional Advocate General assisted by Mr.T.R.Janarthanam, Additional Government Pleader.
For Respondents 1&3	: Mr.T.Muniasamy

ORDER

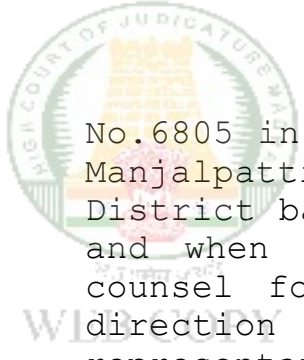
(Order of the Court was made by M.V.MURALIDARAN, J.)

Heard Mr.D.Senthil, learned counsel appearing for the petitioner, Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.T.R.Janarthanam, learned Additional Government Pleader, who takes notice for the second respondent and Mr.T.Muniasamy, learned counsel, who takes notice for the respondents 1 and 3.

2.By consent of both parties, this Writ Petition itself is taken up for final disposal at the admission stage.

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

3.The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to prohibit TASMAC Shop



No.6805 in Paramakudi to Thenapudukkottai Road in T.S.No.50/5B1 at Manjalpattinam Village, Paramakudi Taluk, Ramanathapuram District based on the Petitioner's representation dated 29.04.2017 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 2nd respondent to consider the representation of the petitioner dated 29.04.2017 and pass orders within a time frame to be fixed by this Court.

4.In view of the limited relief sought for, the 2nd respondent is directed to consider the representation of the petitioner dated 29.04.2017, 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. Consequently, connected M.P (MD) No.7560 of 2017 is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1)The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Ltd (TASMAC),
Madurai Region, No.100, Anna Nagar, Madurai-625020.

2)The District Collector, Collectorate Building,
Ramanathapuram, Ramanathapuram District.

3)The Branch Manager, Tamil Nadu State Marketing,
Corporation Ltd(TASMAC), Ramanathapuram.

+One cc to Mr.D.Senthil, Advocate, SR.No.57511

+One cc to The Special Government Pleader, SR.No.57639

CM

RL/6C/2P/JC/SAR3/30.5.2017

W.P(MD)No.9865 of 2017

and

W.M.P (MD) No.7560 of 2017

25.05.2017