



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.9965 of 2017

Viduthalai Thedum Indiyargal Party,
Rep. by its President T.Karthick Raja,
10/2032, South Thiruppachethi,
Thiruppachethi, Thiruppuvanam, Sivagangai-630610 Petitioner

vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Assistant Commissioner (Excise Duty),
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai Division, Sivagangai.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to take appropriate action to close/dispose/remove the disputed the Government Liquor Shop in Thiruppachethi Village.

For Petitioner	: Mr.M.Dinesh Hari Sudarsan
For R1 & R3	: Mr.B.Pugalendhi Additional Advocate General Assisted by Mr.T.R.Janarthanam, Additional Government Pleader
For R2	: Mr.T.Muniasamy

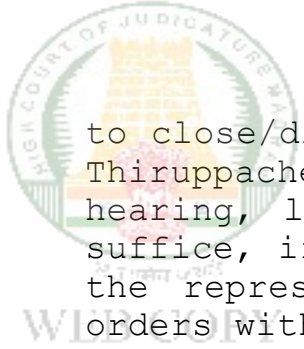
ORDER

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

Heard Mr.M.Dinesh Hari Sudarsan, learned counsel 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 respondents 1 & 3, and Mr.T.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.

3.The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 1st respondent to take appropriate action



to close/dispose/remove the disputed the Government Liquor Shop in Thiruppachethi Village, 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 17.04.2017 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 representation of the petitioner dated 17.04.2017, 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/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Assistant Commissioner (Excise Duty),
Sivagangai District, Sivagangai.
3. The Revenue Divisional Officer,
Sivagangai Division, Sivagangai.

+1cc to Mr.M.Dinesh Hari Sudarsan, Advocate Sr.No.57840
+1cc to Spl.Government Pleader Sr.No.57637

cm

vb/sv/sar3/31.05.2017/2p/6c