



WEB COPY

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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.9966 of 2017

P.Sathiyaraj

.... Petitioner

vs.

1)The District Collector,
Virudunagar District,
Virudungar.

2)The Regional Manager,
TASMAC, K.K.Nagar,
Madurai.

3)The District Manager,
TASMAC,
Virudunagar District,
Virudhunagar.

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

5)The Tashildar, Sivakasi Taluk,
Sivakasi.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to relocate the TASMAC shop in Shop No.11897 located in the 12th ward 52 housing colony near by muniasamy temple, Thiruthangal, Virudhunagar District to some other interior place on the basis representation dated 05.05.2017.

For Petitioner : Mr.K.K.Samy

For Respondents 1, 4&5 : Mr.B.Pugalendhi,
Additional Advocate General
assisted by Mr.T.R.Janarthanam
Additional Government Pleader

For Respondents 2&3 : Mr.M.Muniasamy

ORDER

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

Heard Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.T.R.Janarthanam, learned Additional Government Pleader, who takes notice for the respondents 1, 4 and 5 and Mr.M.Muniasamy, learned counsel takes notice for the respondents 2

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

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 respondents to close and remove the TASMAC shop started in Shop No.11897 located in the 12th ward, 52 housing colony near by muniasamy temple, Thiruthangal, Virudhunagar District by considering the representation of the petitioner dated 05.05.2017 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 1st respondent to consider the representation of the petitioner dated 05.05.2017 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 representation of the petitioner dated 05.05.2017, 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.

SD
ASST REGISTRAR (CS III)

TRUE COPY

SUB ASST REGISTRAR

CM/CP

To

- 1)The District Collector, Virudunagar District, Virudunagar.
 - 2)The Regional Manager, TASMAC, K.K.Nagar, Madurai.
 - 3)The District Manager, TASMAC, Virudunagar District, Virudhunagar.
 - 4)The Superintendent of Police, Virudunagar District, Virudunagar.
 - 5)The Tashildar, Sivakasi Taluk, Sivakasi.
- 1CC TO MR. K.K. SAMY, ADVOCATE SR: 57278
1CC TO THE SPL GOVT PLEADER SR: 57642

MAS JC SAR 1 29 5 2017 2P 8C

W.P(MD)No.9966 of 2017
25.05.2017