

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.05.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
and
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.11826 of 2018 and
W.M.P.No.13805 of 2018

The Residents of Perumapalayam,
Peralimedu and T.Mettupalayam,
Kanagapuram Post,
Vellode (via)
Erode District,
Rep by G.Rajendran ...Petitioner

vs.

- 1.The District Collector,
Collectorate Buildings,
Erode District.
- 2.The District Manager,
Tamil Nadu State Marketing and Corporation (TASMAC),
Erode. ...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to forbear the respondents from in any way opening the retail Liquor TASMAC Shop at Kaspapettai to Vellode Main Road at Kuttaikadu, T.Mettupalayam, Kanagapuram Post, Vellode (Via) Erode District based on the representation of the petitioner dated 23.04.2018.

For Petitioner : Mr.N.Umapathi
For Respondents: Mr.E.Manoharan,
Additional Govt. Pleader for R1
: Mr.K.Sathishkumar for R2

O R D E R

(The order of the Court was made by V.BHARATHIDASAN.,J)

Heard Mr.N.Umapathi, learned counsel for the petitioner, Mr.E.Manoharan, learned Additional Government Pleader appearing for the first respondent and Mr.K.Sathishkumar, learned counsel appearing for the second respondent.

2. The petitioner has approached this Court seeking the following relief:-

"To issue a writ of Mandamus to forbear the respondents from in any way opening the retail Liquor TASMAC Shop at Kaspapettai to Vellode Main Road at Kuttaikadu, T.Mettupalayam, Kanagapuram Post, Vellode (Via) Erode District based on the representation of the petitioner dated 23.04.2018."

3. The case of the petitioner is as follows:-

The petitioner is a resident of T.Mettupalayam Village. Aggrieved by the action of the second respondent in opening of TASMAC retail outlet shop near the residence and school, the petitioner and the residents of Perumapalayam and Peralimedu had made a representation to the first respondent on 23.04.2018, to restrain the second respondent from opening the TASMAC shop near the residential area and school. Since no action is forthcoming, the petitioner has filed this writ petition on behalf of the residents of Perumapalayam, Peralimedu and T.Mettupalayam.

4. Considering the limited prayer sought for in the writ petition, without going into the merits of the case, the respondents are directed to consider and pass suitable orders on the representation of the petitioner dated 23.04.2018 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

gsk/svki

To

1.The District Collector,
Collectorate Buildings,
Erode District.

2.The District Manager,
Tamil Nadu State Marketing and Corporation (TASMAC),
Erode.

+1cc to Government Pleader Sr.No.33171

+1cc to Mr.N.Umapathi, Advocate Sr.No.32987

+1cc to Mr.K.Sathishkumar, Advocate Sr.No.32919

CA(CO)

sm:9.5.2018

W.P.No.11826 of 2018