

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20/9/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.24903 of 2018

N. Mohamed Imran Khan

...Petitioner

Vs.

1. The State of Tamil Nadu
rep. By its Secretary to Government
Home, Prohibition and Excise Department
Fort St. George
Chennai 600 009.
2. The Managing Director
TASMAC Limited
Fourth Floor, CMDA Tower - II
Gandhi Irwin Road
Egmore, Chennai 600 008.
3. Mr.Annadurai, IAS
District Collector
Thanjavur District.
4. Mr.Thirugnanam
The Then District Manager
Thanjavur
now working at
TASMAC Limited
Vigilance Section
CMDA Tower II
Gandhi Irwin Road, Egmore
Chennai 600 008.

....Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondents 1 and 2 to close the TASMAC Retail Outlet in Shop No.7840 situate at Orathanadu Town and Taluk, Thanjavur District and Shop No.7903 situate at Neelagiri Village, near Thanjavur New Bus stand, Thanjavur Taluk and District and consequently, to take necessary action against the respondents 3 and 4 who are the erring officials failed to discharge their duty for violation of Rule 8 (1) of Tamil Nadu Liquor Vending (in shops and Bars) Rules, 2003 based on petitioner's representation dated 8/7/2018.

For Petitioner ... Mr.C.Prabakaran

For Respondents ... Mr.E.Manoharan
Additional Government Pleader
for R.R.1 and 3.

Mr.K.Sathish Kumar
Standing Counsel
for R.R.2 and 4.

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O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

Mr.M.Mohamed Imran Khan, a practising Advocate, has sought for a writ of mandamus, directing the respondents 1 and 2, to close the TASMAR Retail Outlet, in Shop No.7840, situate at Orathanadu Town and Taluk, Thanjavur District and Shop No.7903 situate at Neelagiri Village, near Thanjavur New Bus stand, Thanjavur Taluk and District and consequently, to take necessary action against the respondents 3 and 4, who have failed to discharge their duty, for violation of Rule 8 (1) of Tamil Nadu Liquor Vending (in shops and Bars) Rules, 2003, based on petitioner's representation, dated 8/7/2018.

2. Before the learned counsel appearing for the petitioner, commenced his argument, on the merit of this case, by inviting the attention of this Court, to the location of the shop, sought to be closed, Mr.K.Sathish Kumar, learned Standing Counsel for Tasmac, submitted that cause of action has arisen, in Madurai Bench of Madras High Court and therefore, writ petition could not lie, in the Principal Bench.

3. Perusal of the supporting affidavit of the writ petitioner, shows that the District Collector, Thanjavur District and the District Manager, Thanjavur, have been sued in their individual capacity. Even if there is any averment of failure to discharge the official duty, we are unable to understand as to the above said officials could be sued in their individual capacity.

4. Be that as it may, learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition and he has also made an endorsement to that effect.

5. Placing on record the above, writ petition is dismissed as withdrawn. No costs.
MVS

Sd/-
Assistant Registrar(CS VI)

// True Copy//

To

1. The Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department
Fort St. George
Chennai 600 009.

2. The Managing Director
TASMAC Limited
Fourth Floor, CMDA Tower - II
Gandhi Irwin Road
Egmore, Chennai 600 008.

+ 1 CC TO MR.K.SATHISH KUMAR, ADVOCATE SR 65259
+ 1 CC TO MR.C.PRABAKARAN, ADVOCATE SR 65620
+ 1 CC TO THE GOVT. PLEADER, SR 65646

KR/5/10/18

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