



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :20.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD) No.18118 of 2018

and

W.M.P. (MD) No.16018 of 2018

S.Nagendran

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.
2. The Assistant Commissioner,
Prohibition and Excise,
Theni.
3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),
Madurai.
4. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC)
Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from opening a TASMAC shop bearing No.8513 with bar at Door No.65-B, Periyandavar High Road, Bodinaickanur Town, Theni District.

For Petitioner	: Mr.K.Gokul
For Respondents 1 and 2	: Mr.K.Saravanan
For Respondents 3 and 4	: Mr.B.Jameel Arasu
	Standing Counsel

ORDER

[Order of the Court was made by **M.M. SUNDRESH, J.**]

This writ petition has been filed claiming as a Public Interest Litigation, forbearing the respondents from opening a TASMAC shop bearing No.8513 with bar at Door No.65-B, Periyandavar High Road, Bodinaickanur Town, Theni District.



2. By consent of both sides, this writ petition is taken up for final disposal.

3. The learned counsel for the petitioner would submit that though the earlier writ petition was dismissed, it was on the representation made by some other person stating that nearby the proposed shop, religious places are situated.

4. The learned counsel appearing for the third and fourth respondents would submit that this writ petition has been filed, in view of the dismissal of the earlier writ petition, though in the name of different person. Even in the earlier writ petition, the very same representation was given. There is no violation of the rules, as alleged by the petitioner, especially when the exact violation has not been mentioned.

5. We do not find any merit in the writ petition. Earlier writ petition was dismissed in pursuant to the same representation, dated 09.05.2018, which has been enclosed in the typed set of papers, filed in support of W.P.(MD).No.1349 of 2018, dated 26.07.2018. In view of the fact that subsequent representation was given purportedly by the public on 11.06.2018, that will not help the case of the petitioner. We noted that the petitioner has not given any specific violation, interestingly, the subsequent representation dated 11.06.2018 also make a specific representation about the earlier writ petition filed. Thus, there is no difficulty for this Court to come to a conclusion that the earlier representation, which is the subject matter of the writ petition, which was dismissed and the present one are inter-connected. The very fact that the earlier writ petition was mentioned in the representation which is relied upon in this writ petition itself would show that the present one has been filed on the dismissal of the prior one. Hence looking from any prospective, we dismiss the present writ petition.

7. In the result, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (Cr1.side)

/True Copy/

Sub Assistant Registrar (CS-I)

To

<https://hcservices.ecourts.gov.in/hcservices/>
1. The District Collector,
Theni District, Theni.



2. The Assistant Commissioner,
Prohibition and Excise,
Theni.

+1cc to Mr.K.Gokul, Advocate SR.No.79297

+1cc to Mr.B.Jameel Arasu, Advocate SR.No.79304

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.79184

Vs

MK/RP/SAR 1/07.09.2018/3P/6C

ORDER MADE IN
W.P (MD) No.18118 of 2018
and
W.M.P. (MD) No.16018 of 2018
20.08.2018