



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD) No.20283 of 2018
and
W.M.P. (MD) Nos.18052 and 18053 of 2018

M.Muthuraman .. Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Theni Taluk,
Theni District,
Theni.

3.The District Manager,
TASMAC,
Theni District,
Theni.

4.The Assistant Commissioner,
(Excise)
Theni District,
Theni.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the impugned Order in Na.Ka.No.20470/2018/P1 dated 21.08.2018 passed by the 1st Respondent pertaining to shifting the TASMAC Shop in Shop No.8541 from Koduvilarpatti Village, Theni District to D.No.34 Theni-Madurai Main Road, Opp to Theni Old Bus Stand, Theni and to quash the same as illegal and consequently to direct the 1st respondent to shift the TASMAC shop in Shop No.8541 to old place or any other place.

For Petitioner

: Mr.M.Maran

For Respondents Nos.1, 2 & 4 : Mr.A.K.Baskara Pandian
Special Government Pleader



For Respondent No.3

: Mr.B.Jameel Arasu

ORDER

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

Pursuant to the order of this Court, IMFL Shop No.8541 was transferred from Koduvilarpatti Village, Theni District to door No.34, Theni-Madurai Main Road, Opp to Theni Old Bus Stand, Theni. Challenging the same, the present writ petition has been filed.

2.The learned counsel appearing for the petitioner submitted that the shop is nearer to the crowded place. Therefore, the impugned order of the 1st respondent dated 21.08.2018 is illegal and the same shall be kept in abeyance.

3.The learned appearing for the third respondent would submit that IMFL Shop No.8541 has already been opened. The shop is not nearer to the crowded place and it is not correct to state that bar is running without licence.

4.There are two issues before us. One issue is with respect to transfer of IMFL shop and another issue is with regard to running of bar.

5.Insofar as of transfer of IMFL shop is concerned, we are not inclined to interfere with the same, since the petitioner has not brought before us any violation. Insofar as running of bar is concerned, we make it clear that if there is no licence, the bar shall not be permitted to run.

6.With the above observations, this Writ Petition is disposed of accordingly. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Judicial)

/True Copy/

Sub Assistant Registrar(CS-II)

VS

To

1.The District Collector,

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

Theni District,

Theni.



2.The Tahsildar,
Theni Taluk,
Theni District,
Theni.

3.The District Manager,
TASMAC,
Theni District,
Theni.

4.The Assistant Commissioner,
(Excise)
Theni District,
Theni.

+1cc to Mr.M.Maran, Advocate in SR No.86076

+1cc to Mr.B.Jameel Arasu, Advocate in SR No.86507

+1cc to Spl Government Pleader, SR No.86371

**W.P (MD) No.20283 of 2018
and**

W.M.P. (MD) Nos.18052 and 18053 of 2018

NM/SKN/SAR II/22.10.18/3P/8C