

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.08.2019

C O R A M

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

W.P.No.31182 of 2018

R.Palanisamy

... Petitioner

Vs.

1.The District Collector,
O/o. District Collector Office,
Erode District.

2.The Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Coimbatore, Coimbatore District.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Erode, Erode District.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents not to grant permission to open the TASMAC shop in the building situated at S.F.No.691 at Sikkarasampalayam Village, Sathyamangalam T.K, Erode District and consider the petitioner's representation dated 11.10.2018.

For Petitioner : Mr.N.Chinnaraj

For R1 : Mr.Akhil Akbar Ali
Government Advocate.

For R2 and R3 : Mr.K.Sathiskumar

O R D E R

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

Petitioner has sought for a Writ of Mandamus, to direct the respondents, not to grant permission, to open TASMAC shop in the building situated at S.F.No.691, Sikkarasampalayam Village, Sathyamangalam Taluk, Erode District and to consider the petitioner's representation, dated 11.10.2018.

2. Record of proceedings shows that on 27.11.2018, notice has been ordered.

3. Reverting, Mr.K.Sathishkumar, learned counsel appearing for the Regional Manager, TASMAC, Coimbatore District and District Manager, TASMAC, Erode District/the respondents 2 and 3 submitted that, on the basis of orders issued by the District Collector, Erode District in R.C.No.33801/2018/J1, dated 27.11.2018, TASMAC Shop No.3588, has been opened on 18.12.2018, and since then it is functioning. According to the learned counsel for the respondents 2 and 3, location of the said shop, is not prohibited, as per Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. It is also his contention that since 18.12.2018, there is no law and order problem.

4. Prayer sought for is to take action on the representation of the petitioner, dated 11.10.2018, and not to grant permission to open the TASMAC Shop No.3588, situated at S.F.No.691, Sikkarasampalayam Village, Sathyamangalam Taluk, Erode District.

5. Inasmuch as, shop is already opened, nothing survives in the instant writ petition. Writ petition has become infructuous. Mandamus cannot be issued. Writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dm

To

- 1.The District Collector,
O/o. District Collector Office,
Erode District.
- 2.The Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Coimbatore, Coimbatore District.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Erode, Erode District.

+1cc to Mr.N.Chinnaraj, Advocate SR.71551
+1cc to Mr.K.Sathiskumar, Advocate SR.71522
+1cc to the Government Pleader SR.72677

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SPD(CO)
CB(03/10/2019)



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