



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.21614 of 2018
and W.M.P. (MD) No.19523 & 20251 of 2018

P.Raja

... Petitioner

-VS-

1.The District Collector,
Theni District, Theni.

2.The District Manager,
TASMAC, Madurai Road,
Theni, Theni District.

3.The Assistant Commissioner (Excise),
District Collector's Office,
Theni, Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to close the TASMAC Shop No.8629 at Plot No.94, Ward No.20 at near New Cumbum Bus Stand, Theni District within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Jeganathan
for M/S. Veera Associates

For 1st Respondent : Mr.S.Angappan
Government Advocate

For Respondents 2 and 3 : Mr.B.Jameel Arasu
Standing Counsel

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for the first respondent and Mr.B.Jameel Arasu, learned Standing Counsel appearing for the second respondent.



2.The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, directing the respondents herein to close the TASMAC Shop No.8629 at Plot No.94, Ward No.20 at near New Cumbum Bus Stand, Theni District within a time frame.

3.We have perused the affidavit filed in support of the writ petition and the documents produced and find that permission has been granted to relocate the shop on the current location taking note of the relevant factors, including the distance rules. The petitioner has not been able to establish before this Court as to any error found in the counter affidavit filed by the District Collector.

4.Further, the learned Standing Counsel appearing for the TASMAC would submit that there is a motive behind the petition and in Theni District, specifically, binamees of the F.L.2 licensees, who want to close the shops of TASMAC, which runs the liquor shops as per the appropriate market price, file this kind of writ petitions.

5.Whether the FL-2 shops are trading illegally or not may not be taken note of by this Court and as and when any issue is brought before us the same will be decided.

6.With the above observation, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Theni District, Theni.

2.The District Manager,
TASMAC, Madurai Road,
Theni, Theni District.



3.The Assistant Commissioner (Excise),
District Collector's Office,
Theni, Theni District.

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+1CC TO MR.S.CHELLAPANDIAN, Advocate Sr. No.88458
+1CC TO MR.B.JAMEEL ARASU, Advocate Sr. No.88602
+1CC TO MR.VEERA ASSOCIATES, Advocate Sr. No.88474
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 89041

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SGS (CO)

TR(10.10.2019) 3P 8C