



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Seventh day of November Two Thousand and Nineteen

PRESENT

The Hon'ble Mr. Justice T.S.SIVAGNANAM
AND

The Hon'ble Mrs. Justice R.THARANI

WMP(MD). No.20125 of 2019
in

WP(MD).No.22197 of 2019

Velappan

... Petitioner

Vs

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
Kanyakumari District.
3. The Kanyakumari District Manager,
TASMAC, Shenbagaramanpudur,
Kanyakumari District.

.. Respondents/Respondents

Prayer in WMP(MD). No.20125 of 2019 :-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Court to amend the TASMAC Bar vide No.4849 situated at Gothanallur Village, Kumarapuram Panchayat, Kanyakumari District and TASMAC Bar vide No.4859 at Mecode Village, Verkilambi Panchayat, Kanyakumari District instead of TASMAC Shop No.4849 situated at Gothanallur Village, Kumarapuram Panchayat, Kanyakumari District and TASMAC shop No.4859 at Mecode Village, Verkilambi Panchayat, Kanyakumari District in WP(MD).No.22197 of 2019.

Prayer in WP(MD).No.22197 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents forthwith to close and remove the TASMAC Shop No.4849 situated at Gothanallur Village, Kumarapuram Panchayat, Kanyakumari District and TASMAC Shop No. 4859 at Mecode Village, Verkilambi Panchayat, Kanyakumari District based on the representation dated 12.10.2019 and 15.10.2019.



ORDER: -

Writ Miscellaneous Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. M.Ramu, Advocate for the Petitioner and of Mr. A.Muthukaruppan, Additional Government Pleader on behalf of the Respondents No.1 and 2 and of Mr.B.Jameel Arasu, Advocate for 3rd Respondent, this Court made the following order:

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

Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the first and second respondents and Mr.B.Jameel Arasu, learned counsel for the third respondent.

2. This petition has been filed to amend the prayer in the writ petition and consequently to amend the order passed by this Court by directing closure the shop.

3. The learned counsel appearing for the TASMAC submits that the writ petition itself is not a genuine Public Interest Litigation. The petitioner is the benami of the previous bar licensee.

4. We do not wish to go into such controversies. The direction issued by us to the authorities is to inspect and if any infraction of the Rule, to take action. If there is any violation of the Rules then shop has to be closed. If the bar need not be closed, it is upto the Authorities to take action. However, if the Authorities come to the conclusion that the bar has to be closed, then orders shall be passed in accordance with law.

5. Therefore, we find that there is no ground to amend the prayer and allow this petition. Accordingly, this writ miscellaneous petition to amend the prayer is dismissed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Kanyakumari District,
Nagercoil.
 2. The Superintendent of Police,
Kanyakumari District.
 3. The Kanyakumari District Manager,
TASMAC, Shenbagaramanpudur,
Kanyakumari District.
- +1 CC to Mr.M.Ramu, Advocate, SR.No.96964.

ORDER DATED: 07/11/2019

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ORDER

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WMP (MD) . No.20125 of 2019
in
WP (MD) .No.22197 of 2019

CS (14.11.2019) 3P 4C