



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8505 of 2020 and

W.M.P.(MD)No.7889 of 2020

A.Pandiarajan

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The District Manager,
TASMAC Ltd.,
Madurai District,
Madurai.

3. The Assistant Commissioner(Kalal),
Prohibition and Excise Department,
Madurai District,
Madurai.

4. The Managing Director,
TASMAC Ltd.,
CMDA Complex,
Egmore, Chennai - 600 008.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from shifting the TASMAC Shop No.5140 from the place of Shop No.176, Thathaneri Main Road, Vaigai Vadakarai, Madurai - 625 018 to any other place by considering the petitioner's representation dated 23.07.2020.

For Petitioner : Mr.S.Balaji

For R-1 & R-3 : Mr.C.Ramar,
Additional Government Pleader.

For R-2 & R-4 : Mr.Jameel Arasu

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**O R D E R**

Heard the learned counsel appearing for the petitioner.

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2. The petitioner states that he had made available his premises for running TASMAC shop No.5140. The petitioner is aggrieved by the proposal of the respondents to shift the shop from the said place to the site some 2 Kilometers away. The petitioner contends that the shop has been functioning at the present site without any issue. He would also state that he had spent about Rs.2,00,000/- to renovate and spruce up the building. If the shop is shifted, the petitioner would be put to considerable hardship. The petitioner's counsel would point out that the reason for shifting the shop is that there is no bar attached to the shop. He contends that there is sufficient space available in the adjacent place from where the bar can be run. The petitioner has already given a representation dated 23.07.2020 and he wants this Court to direct the District Collector to consider the same.

3. I am afraid that I cannot accept the petitioner's request. The petitioner's counsel submits that he is only asking for the disposal of his representation. The representation cannot be mechanically directed to be disposed of. Only when the petitioner has made out his right, this Court will be justified in issuing a direction for disposal of the representation. Rule 8 of the Tamil Nadu Liquor Retail Vending(in Shops and Bars) Rules 2003 clearly states that the District Collector will take a call in the matter. The petitioner cannot claim any vested right. Merely because, the TASMAC shop was located in his site, the petitioner cannot state that it should be run in the very same place. These matters are better left to the discretion of the authorities concerned. Since the petitioner has not made out any legal right to insist that the shop in question must continue to be run in his premises, I am not inclined to grant any relief. This writ petition stands dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

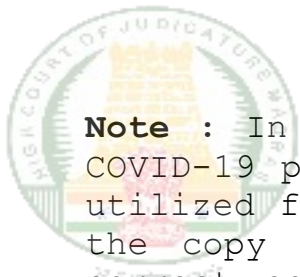
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Sub Assistant Registrar(CS)

Pmu

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector,
Madurai District,
Madurai.
2. The Assistant Commissioner (Kalal),
Prohibition and Excise Department,
Madurai District,
Madurai.

+1 CC to M/s.GP (SR-13566[F] dated 04/08/2020)

W.P.(MD)No.8505 of 2020
03.08.2020

ma (CO)
TR(14.08.2020) 3P 4C