



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 10473 of 2020

M. Aswinkumar

... Petitioner

Vs.

1. The District Collector,
Madurai District Collectorate,
Madurai - 20.

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

3. The Superintendent of Police,
Madurai District,
Madurai - 7.

4. The Assistant Commissioner (Excise),
Madurai Collectorate,
Madurai - 20.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to open a new retail TASMAC shop No.5234 at R.No.59/3, Sathiyamoorthy Nagar, 70ft Road, Ellishnagar, Madurai, as per the order of the first respondent in Na.Ka. No.6880/2020/Mathu3 dated 12.08.2020 within a period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondents : Mr.S.Angappan,
Government Advocate for R1, R3 & R4

Mr.H.Arumugam for R4

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.
<https://hcservices.ecourts.gov.in/hcservices/>



2. The petitioner states that the first respondent had already passed an order dated 12.08.2020 for opening a liquor shop in the petition mentioned premises. The petitioner also states that he had entered into a rental agreement with the house owner and he is said to be paying a sum of Rs.40,000/- per month. The petitioner states that the officials in order to oblige another bar owner of the locality are delaying the implementation of the order passed by the District Collector.

3. I must point out that in matters relating to liquor trade, this Court will not be justified in issuing writ of mandamus. The petitioner does not have any right as such. These are all matters of privilege. Hence, I am not inclined to issue the writ of mandamus as sought for.

4. I make it clear that I have not held against the petitioner on the merits of the matter. All that I have stated is that in matters such as this, this Court will not be justified in issuing direction. It is for the petitioner to persuade the respondents to give effect to their own decision.

5. With this observation, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Collectorate,
Madurai - 20.



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

3. The Superintendent of Police,
Madurai District,
Madurai -7.

4. The Assistant Commissioner(Excise),
Madurai Collectorate,
Madurai - 20.

+1 CC to M/s.Special Govt.Pleader (SR-15550[F] dated 01/09/2020)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-15718[F] dated 02/09/2020)

W.P. (MD) No.10473 of 2020
31.08.2020

pmu

SDS (08.09.2020) 3P-7C