

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.NO.5534 OF 2021

AND

W.M.P.NO.6166 OF 2021

AP.Kumanan

representing Sambandampalayam village,
1/545, TPN Garden, K.Chettipalayam,
Dharapuram Road, Tiruppur.

.. Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Palladam Road, Tiruppur.
 2. The District Superintendent of Police,
Tiruppur.
 3. The Tahsildar,
Kangeyam Taluk, Tiruppur.
 4. The District Manager,
The Tamil Nadu State Marketing Corporation Ltd.,
Angeri Palayam road, Tiruppur.
- .. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to consider the representation dated 24.12.2020 and direct the respondents to remove the shop bearing TASMAC shop No.2325 situated near Sambandampalayam Village, Tiruppur District.

For Petitioner : Ms.AL.Gandhimathi
For Respondents: Mr.G.K.Muthukumar,
Special Government Pleader
for R1 to R3

Mr.K.Sathishkumar.
for fourth respondent

ORDER
(made by the Hon'ble Chief Justice)

The grievance of the petitioner is that a TASMACH Shop numbered as 2325 in Sambandhampalayam Village, Tiruppur District, does not meet with the requirements that need to be followed before a liquor shop is established.

2. Mr.G.K.Muthukumar, Special Government Pleader, appears for respondents 1 to 3 and Mr.K.Sathishkumar takes notice for the fourth respondent.

3. Ordinarily, license or permission to set up a TASMACH shop is not issued without the guidelines in such regard being followed. There is, therefore, a presumption that the guidelines have been followed before the shop has been set up.

4. However, it is equally possible that the basis of measurement may be erroneous or some other factor may have been overlooked or deliberately not considered. In such a scenario, when a representation is made, the same needs to be looked into. For such purpose and without going into the veracity of the objections raised by the petitioner, W.P.No.5534 of 2021 is disposed of by permitting the petitioner to make a formal representation, indicating the grounds of challenge, to the District Collector, Tiruppur, for such official to consider the same in accordance with law and upon affording all persons likely to be affected by the resultant order, an opportunity of hearing.

5. It is needless to say that if the District Collector finds all relevant guidelines to have been followed, the application has to be rejected. However, if the Collector finds any breach in the adherence to the guidelines, the Collector has to take appropriate remedial measures. The Collector's reasoned decision in this regard should be circulated to all affected, including the petitioner, within eight weeks of the receipt of the representation. There will be no orders as to costs. Consequently, W.M.P.No.6166 of 2021 is closed.

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Assistant Registrar(CO)

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Sub Assistant Registrar

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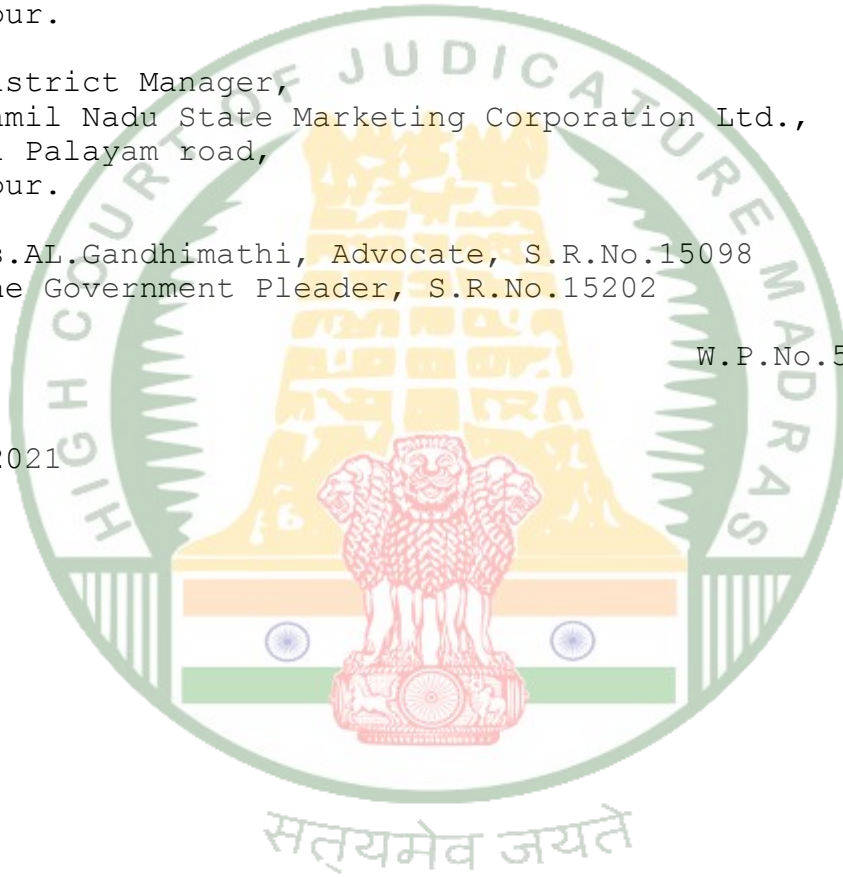
1. The District Collector,
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Tiruppur.
2. The District Superintendent of Police,
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3. The Tahsildar,
Kangeyam Taluk,
Tiruppur.
4. The District Manager,
The Tamil Nadu State Marketing Corporation Ltd.,
Angeri Palayam road,
Tiruppur.

+1cc to Ms.AL.Gandhimathi, Advocate, S.R.No.15098

+1cc to the Government Pleader, S.R.No.15202

W.P.No.5534 of 2021

PMK (CO)
CS/30/03/2021



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