



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.14815 of 2021

K.M.Magudeswaran

...Petitioner

Vs

1. The District Collector,
Erode District, Erode - 638 011.
2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
IMFS Depot, TASCOT Building,
Suriyampalayam, Vasavi College (Post),
Erode - 638 316.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the respondents from establishing liquor shop No.3863 Thanneerpanthalpalayam, Getticheviyur Panchayat, Nambiyur Taluk, Erode District.

For Petitioner	:	Mr.L.P.Shanmugasundaram
For Respondents	:	Mr.N.R.R.Arun Natarajan, Government Advocate - R1 Mr.K.Sathish Kumar Standing Counsel - R2

O R D E R

Heard Mr.L.P.Shanmuga Sundaram, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Government Advocate, who accepts notice for R1 and Mr.K.Sathish Kumar, who accepts notice for R2. By consent of both sides, this Writ Petition is taken up for final disposal even at the stage of admission.



2. The petitioner seeks a writ of mandamus forbearing the respondent from establishing liquor shop No.3863 Thanneerpanthalpalayam, Getticheviyur Panchayat, Nambiyur Taluk, Erode District (shop/shop in question).

3. According to the petitioner, the shop in question had been closed by order of the District Collector dated 12.03.2021 (corrected by Mr.K.Sathish Kumar, learned Standing Counsel to 22.03.2021) upon consideration of the grievances expressed by the residents in that locality. No order with regard to the closure of the shop has been produced. However, it is an admitted position that the shop is non-functional as on date.

4. Learned counsel for the TASMAC circulates a copy of the proceedings bearing Na.Ka.No.356/2021/R3 dated 17.07.2021 to the effect that as on date, there is no proposal to open the shop bearing No.3863 in the stated location.

5. Recording the same and as the mandamus sought for stands achieved, this Writ Petition is closed. It is made clear that if there is any proposal for opening the shop in that area, proper procedure shall be adhered to in line with Rule 8 of the Tamil Nadu Liquor Retail Vending (in Bars and Shops), Rules 2003, Public notice shall be issued well in advance, calling for objections to the proposal giving sufficient time to the public and residents in that locality to put forth objections, if any, prior to opening of the shop. The proposal shall be confirmed only after consideration of the objections of the public, if any. No costs. Connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

s1

To

1. The District Collector,
Erode District, Erode - 638 011.



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2. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
IMFS Depot, TASCOT Building,
Suriyampalayam, Vasavi College (Post),
Erode - 638 316.

+1 CC to The Government Pleader, Sr.No. 34641.

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MG(CO)
LS(31/08/2021)