



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.19706 of 2020 and  
W.M.P.(MD)Nos.16435 & 16437 of 2020

E.Selvaraj

... Petitioner

**Vs.**

1. The District Collector,  
Tirunelveli District,  
Tirunelveli.

2. The District Manager,  
Tamilnadu State Marketing Corporation (TASMAC),  
Tirunelveli District, Tirunelveli.

3. The Sub-Collector/Revenue Divisional Officer,  
O/o.the Sub-Collector/Revenue Divisional Office,  
Cheranmahadevi, Tirunelveli District.

4. The Tahsildar,  
O/o.the Tahsildar,  
Ambasamuthiram, Tirunelveli District.

... Respondents

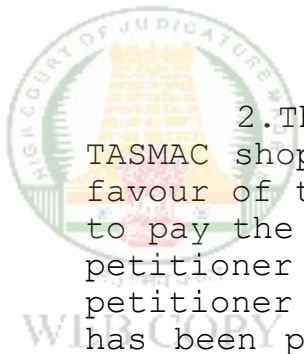
**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.R3/2650/2019 dated 27.02.2020 on the file of the second respondent and quash the same as illegal and consequently direct the third respondent to remit the deposit amount a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner and allot the proposed TASMAC Bar to the petitioner attached with TASMAC shop at D/No.57/31A, Railwayline Street, Kallidaikurutchi, Tirunelveli District, within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan  
For R-1,R-3 &R-4 : Mr.S.Angappan,  
Government Advocate.  
For R-2 : Mr.B.Jameel Arasu

\* \* \*

### O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the second respondent/Tamil Nadu State Marketing Corporation(TASMAC) and the learned Government Advocate appearing for respondents 1,3 and 4.



2.The petitioner was granted license to run a Bar attached to TASMAL shop No.10624 at Ambalamuthiram. The license was granted in favour of the writ petitioner in October 2019. The petitioner failed to pay the license fee for the month of January 2020. Therefore, the petitioner was ordered to close down the Bar. The case of the petitioner is that the place in which the TASMAL shop is being run has been purchased by the local M.L.A. and that therefore, he was under pressure to close down the Bar. The petitioner states that therefore, the TASMAL shop should be shifted from Ambalamuthiram to Kallidaikuruthi. The petitioner had also obtained No Objection Certificate from the relevant authorities.

3.What is under challenge in this writ petition is only an order dated 27.02.2020. By the said order, the second respondent had adjusted the amount of license fee that is liable to be paid by the petitioner for the month of January 2020.

4.The learned Standing counsel appearing for the second respondent categorically asserts that the said TASMAL shop No.10624 is very much running at Ambalamuthiram. This Court cannot direct the respondents to shift the liquor shop from Ambalamuthiram to Kallidaikuruthi. It is a policy decision to be taken by the District Administration and it is not for this Court to direct the authorities to shift the liquor outlet from one place to another. There is absolutely no merit in the said request made by the petitioner.

5.The question that arises for consideration is whether the impugned order calls for any interference. All that the impugned order states is that the license fee payable by the petitioner for the month of January 2020 will stand adjusted. Whether the balance amount in the security deposit remitted by the petitioner should also be adjusted or not is not an issue that calls for my consideration. I leave open the said issue. As already pointed out, the second respondent had adjusted the amount of license fee that is liable to be paid by the petitioner for the month of January 2020. This Court cannot direct the respondents to shift the liquor outlet from Ambalamuthiram to Kallidaikuruthi. The other issues are left open.

6.This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

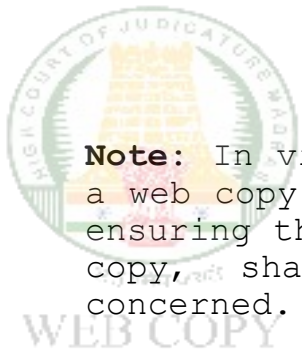
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

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,  
Tirunelveli District,  
Tirunelveli.
2. The District Manager,  
Tamilnadu State Marketing Corporation (TASMAC),  
Tirunelveli District,  
Tirunelveli.
3. The Sub-Collector/Revenue Divisional Officer,  
O/o.the Sub-Collector/Revenue Divisional Office,  
Cheranmahadevi,  
Tirunelveli District.
4. The Tahsildar,  
O/o.the Tahsildar,  
Ambasamuthiram,  
Tirunelveli District.

+1 CC to Mr.T.THIRUMURUGAN, Advocate ( SR-5593[F] dated 17/02/2021 )

+1 CC to the SPECIAL GOVERNMENT PLEADER(SR-5639[F] dated 17/02/2021)

Order made in  
W.P.(MD)No.19706 of 2020 and  
W.M.P.(MD)Nos.16435&16437 of 2020  
16.02.2021

KUN(CO)  
SRS (04/03/2021) 3P : 7C