



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P(MD)No.19907 of 2021
and
W.M.P(MD)No.16609 of 2021**

Muniyasamy

...Petitioner

Vs.

1.The Senior Regional Manager,
TASMAC,
Plot No.100, Anna Nagar,
Madurai.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The District Manager,
IMFS Depot, TASMAC Ltd.,
Door No.29/34, Sidco Industrial Estate,
Soolkarai,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to forbear the respondents from opening the TASMAC Shop in the land in Old T.S.No.821, New T.S.No.821/1 & 821/2, situating in Peraley Road, Ward No.18, Virudhunagar Town, Virudhunagar Taluk, Virudhunagar District by considering the petitioner's representation dated 26.10.2021 within the time limit that may be stipulated by this Court.

For Petitioner	:	Mr.M.Jegadeesan
For 2nd Respondent	:	Mr.P.Subbaraj, Government Advocate
For Respondents 1 & 3	:	Mr.H.Arumugam

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

Mr.H.Arumugam, learned counsel accepts notice on behalf of respondents 1 and 3 and Mr. P.Subbaraj, learned Government Advocate accepts notice on behalf of the second respondent.



2. By consent of parties, the main Writ Petition is taken up for final disposal.

3.This Writ Petition is filed to forbear the respondents from opening the TASMAC Shop in the land in Old T.S.No.821, New T.S. Nos.821/1 & 821/2, situated in Peraley Road, Ward No.18, Virudhunagar Town, Virudhunagar Taluk, Virudhunagar District by considering the petitioner's representation, dated 26.10.2021.

4.The learned counsel for the respondent-TASMAC states that after the inspection complying with the norms, the place is chosen and a report in that regard is sent to the District Collector / second respondent for consideration. It is only after further inspection by the second respondent, the place chosen for housing the shop will be approved by him. The petitioner also has given a representation on 26.10.2021 to the District Collector raising his objections for locating the shop in the said survey numbers stating that it is a temple nearby etc., The representation of the third respondent is also dated 26.10.2021. Now the District Collector has to consider the representation in the light of the norms prescribed for locating the TASMAC shop and then pass appropriate orders. If the place chosen is against the Rules of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, the approval may not be granted by the District Collector.

5.In the light of the above, the second respondent-District Collector is directed to consider the proposal of the third respondent as well as the objections of the writ petitioner after affording an opportunity of personal hearing and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

The District Collector,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-33704[F] dated
08/11/2021)

+1 CC to M/s.SPL.GP (SR-33786[F] dated 09/11/2021)

W.P (MD) No.19907 of 2021
08.11.2021

SE (CO)

KB(18.11.2021) 3P 4C