



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.12.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.21636 of 2021

and

W.M.P. (MD) .Nos.18208 and 18211 of 2021

R.Perumal

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Thanjavur District.

2.The District Manager,
TASMAC,
Thanjavur District.

3.The Tahisildar,
Papanasam Taluk,
Papanasam,
Thanjavur District.

4.M.Liquat Ali

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to continue to run the TASMAC No.8046 Survey No.265/1B, Kavery Thenkarai, Seethalakshmipuram, Kapisthalam, Papanasam Taluk, Thanjavur District, as per rule 12, the Tamil Nadu Liquor Retail Vending (In Shops And Bars) Rules, 2003 and pass orders on petitioner representation dated 16.11.2021.

For Petitioner : Mr.M.Joseph Thatheus Jerome

For R1 & R3 : Mr.J.John Rajadurai
Government Advocate (Civil)

For R2 : Mr.H.Arumugam
Standing Counsel



ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the first respondent/District Collector, Thanjavur District, to permit the petitioner to continue to run the TASMAC No.8046, Survey No.265/1B, Kavary Thenkarai, Seethalakshmipuram, Kapisthalam, Papanasam Taluk, Thanjavur District, continuously without any interference in accordance with Rule 12 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. The petitioner had given a representation on 16.11.2021.

2.At the aforesaid place, which belongs to the petitioner, a TASMAC Shop functions. The petitioner is not the licensee. The petitioner has no independent right to run the shop. The petitioner has only given his premises on rent for a shop to be run. There is also the fourth respondent, to whom in view of the nature of the order now passed, notice is not issued. That particular fourth respondent also has an independent premises wherein, he wanted the TASMAC Shop to be run. But, such permission was not granted.

3.Therefore, it is complained by the learned Counsel for the petitioner that under his instigation, the Supervisor of the shop, an employee of the second respondent had closed the TASMAC Shop once for all.

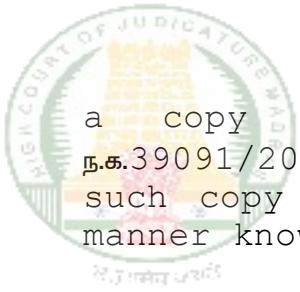
4.Complaining that the shop must be continued to function, this Writ Petition has been filed.

5.I wonder how the Writ Court can give any order in favour of the petitioner in this regard, permitting a particular shop to be kept open wherein, liquor can be sold to the general public.

6.I am informed by Mr.H.Arumugam, learned Standing Counsel for the second respondent that the first respondent/District Collector had intervened in the matter and had passed an order on 12.11.2021 in ந.க.39091/2021/எக்ஸ் 2, closing down the shop of the petitioner and prohibiting further sales of all TASMAC related products in the said order.

7.The learned Counsel for the petitioner expressed grievance that a copy of that order was not served on the petitioner and also states that the petitioner was not informed about the said order.

8.No further directions can be given in this Writ Petition. However, an obligation is placed on the first respondent to serve



a copy of that particular order, dated 12.11.2021, in ந.க.39091/2021/எக்ஸ் 2, to the petitioner herein and on receipt of such copy of the said order, the petitioner may question it in manner known to law.

9.No further orders are required. Therefore, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lr

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,
Collectorate,
Thanjavur District.

2.The District Manager,
TASMAC,
Thanjavur District.

3.The Tahisildar,
Papanasam Taluk,
Papanasam,
Thanjavur District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-38230[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38344[F] dated 13/12/2021)

+1 CC to M/s.M.JOSEPH THATHEUS JEROME, Advocate (SR-38381[F] dated 13/12/2021)

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