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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2022

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12496 of 2022
and W.M.P.No.11967 of 2022

R.Ramesh Kumar

...Petitioner

Vs.

1. The State of Tamil Nadu
The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai - 600 009.
2. The District Collector
Office of the Collectorate
Coimbatore District
Coimbatore - 600 018.
3. The TASMAL Ltd.,
Rep.by its Managing Director
4th Floor, CMDA Tower
Gandhi Irwin Bridge, Egmore
Chennai - 600 008.
4. The District Manager
IMFS Depot, TASMAL Ltd.,
No.131, MSR Complex
Kavundampalayam, Coimbatore.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to take necessary and immediate action against the objection dated 07.04.2022 and consequently forbearing the respondents 3 and 4 from opening of TASMAL Shop No.2284 and Bar proposed to be situated at Thamby Restaurant, Vagarampalayam Road, Arasur Panchayat, Thennampalayam, Coimbatore.



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For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.A.Selvendran
Additional Government Pleader
- for RR 1 and 2
Mr.Sathish, Standing Counsel
- for RR 3 and 4

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

With the consent of the learned counsel for both sides, the writ petition is disposed of at the admission stage itself.

2. The petitioner is aggrieved by the proposed petition mentioned location of a liquor outlet. The petitioner has given an objection before the second respondent and he wants us to direct the second respondent to take action on his representation.

3. Learned Standing Counsel for the TASMAC has brought to our notice G.O.(Ms) No.17, Home, Prohibition and Excise (VI) Department dated 13.02.2022, whereby the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 has been amended. The amendments read as follows:

"In the said Rules,

(1) in Rule 8, for sub-rule(8) the following sub-rule shall be substituted namely:-

"(3) No business shall be commenced in the shop unless the location of the shop is approved by the Collector;

Provided that no such approval shall be given by the Collector unless representation received, if any, objecting to the location of the shop, is considered and orders passed thereon.

(2) to Rule 9, the following proviso shall be added, namely:-

"Provided that no such permission shall be given by the Collector unless representation received, if any, objecting to the change in location of the shop, is considered and orders passed thereon."

(3) Rule 9A shall be renumbered as Rule 9B and before Rule 9B as so renumbered, the following Rule shall be inserted, namely:-

"9A : Appeal: (1) Any person aggrieved by an order passed by the Collector under sub-rule (3) of rule 8 or under rule 9, may prefer an appeal before the Commissioner of Prohibition and Excise within a



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period of thirty days from the date of receipt of the order.

(2) The Commissioner of Prohibition and Excise shall dispose of the appeal within a period of sixty days."

4. In view of the aforesaid amendment, the interest of the petitioner is more than protected and no orders are necessary in this writ petition. The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

KST

To

1. The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai - 600 009.
2. The District Collector
Office of the Collectorate
Coimbatore District
Coimbatore - 600 018.
3. The Managing Director
The TASMAL Ltd.,
4th Floor, CMDA Tower
Gandhi Irwin Bridge, Egmore
Chennai - 600 008.
4. The District Manager
IMFS Depot, TASMAL Ltd.,
No.131, MSR Complex
Kavundampalayam, Coimbatore.

+1cc to Mr.W.Camyles Gandhi, Advocate SR. No. 31341
+1cc to Government Pleader SR. No. 31472

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and W.M.P.No.11967 of 2022

CA (CO)
PR (20/05/2022)