



WEB COPY



W.P.No. 19929 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.19929 of 2022 &
WMP.No.19231 of 2022

V.C.Periyasamy

...Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC) Chennai.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), Coimbatore,
Coimbatore, District.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Erode,
Erode District.
- 4.The District Collector,
Erode District,
Erode-638 111.
- 5.The District Revenue Officer, (Exercise)
Erode District, Erode
- 6.The General Manager,
Tamil Nadu State Marketing
Corporation (TASMAC)
No.24, TASCO Building,
Suriyampalayam, Erode-638 316.

...Respondents



W.P.No. 19929 of 2022

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the respondents to consider the petitioner's representation dated 08.07.2022 and not to change the location of the shop from the existing place, shop No.3586 in R.S.No.275/6, Punjai Kolanalli Village, at Vellappampalayam, Kodumudi Taluk, Erode District.

For Petitioner : Mr.K.Karthikeyan
For Respondents : Mr.M.Sekar [R1 to R3 & R6]
Standing Counsel
: No Appearance for R4 and R5

ORDER

Heard Mr.K.Karthikeyan, learned counsel for the petitioner and Mr.M.Sekar, learned Standing Counsel for R1 to R3 & R6.

2. The petitioner is the owner of the property housing TASMACH Shop No.3586 in R.S.No.275/6, Punjai Kolanalli Village, at Vellappampalayam, Kodumudi Taluk, Erode District (shop in question). Apprised of information to the effect that shop in question is proposed to be shifted to an alternate location, the petitioner has rushed to this Court by way of present writ petition seeking a mandamus to the respondents not to change the location from the existing place. He has also made a representation before the respondents to same effect on 08.07.2022.



WEB COPY



W.P.No. 19929 of 2022

3. Earlier, WP.Nos.21147 and 21170 of 2022 had been filed by Shanmugam and D.Muthukumar, residents of Velappampalayam Village who had sought mandamus to the respondents forbearing them from establishing a TASMAL outlet in their village.

4. That writ petition had been closed on 17.08.2022, recording the submissions of Mr.Sathish Kumar, the then learned Standing Counsel for TASMAL confirming that there was no proposal to shift the shop from the location where it presently is. The memo filed by the then TASMAL counsel was dated 17.08.2022 and reads as follows:

'2. I have received the oral instructions from the District Manager, TASMAL Ltd., Erode District stating that as on today no proposal was sent to the District Collector to locate the TASMAL Shop in the above said Survey Number. In case of sending a proposal in future for opening a TASMAL Shop in the said Survey Number the petitioners representation will be considered as per the Tamil Nadu Liquor Retail Vending (in shops and Bars) Rules, 2003.'

5. The contents of the memo, as aforesaid, would assuage the apprehension of the present petitioner as well. However, seeing as the petitioner has made a representation before the Authorities, let there be a disposal of the representation dated 08.07.2022 bearing note of the events that have transpired, and as recorded above.



W.P.No. 19929 of 2022

WEB COPY

6. Let the representation be disposed within a period of four weeks from today after hearing the petitioner. This writ petition is disposed in the above terms. No costs. Connected miscellaneous petition is closed.

09.11.2022

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Index : Yes/No

Speaking Order/Non speaking Order

To

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W.P.No. 19929 of 2022

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WEB COPY



W.P.No. 19929 of 2022

DR.ANITA SUMANTH,J.
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W.P.No.19929 of 2022 &
WMP.No.19231 of 2022

09.11.2022