



W.P.No.24570 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.24570 of 2022

P.Balasubramaniam

.. Petitioner

Vs

- 1 The District Collector
Coimbatore District
Coimbatore.
- 2 The Regional Manager
Tamil Nadu State Marketing Corporation Ltd
(TASMAC) 305A, Vilankurichi Road
Peelamedu Railway Station Back Side
Chintamani Co-operative Society Depot
Peelamedu,
Coimbatore – 641 004.
- 3 The District Manager (South)
Tamil Nadu State Marketing Corporation Ltd
(TASMAC) 4/5A, Sangamapalayam, Coimbatore Road
Mahalingapuram Post, Achipatti
Pollachi - 642 002.



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4 The District Manager (North)
Tamil Nadu State Marketing Corporation Ltd
(TASMAC) 305A, Vilankurichi Road
Peelamedu Railway Station Back Side
Chintamani Co-operative Society Depot
Peelamedu,
Coimbatore – 641 004.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents from opening/operating Retail Liquor Vending Shop (TASMAC Shop) at SF No.280, KM Veerappa Gounder Street, Annur-Somanur Road, Karumathampatti, Sulur Taluk, Coimbatore District.

For the Petitioner : Mr.P.Saravana Sowmiyan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent No.1

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner, Mr.P.Balasubramaniam, son of Palanisamy, a resident of 63, G1, Krishnapuram, Somanur, Sulur Taluk, Coimbatore District, to



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forbear the respondents from opening/operating a retail liquor vending shop at SF No.280, KM Veerappa Gounder Street, Annur-Somanur Road, Karumathampatti, Sulur Taluk, Coimbatore District.

2. On 13.9.2022, when the writ petition was taken up for admission, this Court passed the following order:

"Mr.P.Muthukumar, learned State Government Pleader takes notice for the 1st respondent and Mr.Sathish Kumar, learned counsel takes notice for the respondents 2 to 4 and sought three weeks time for filing counter.

2.The learned counsel for the respondents 2 to 4 submitted that the respondents had temporarily suspended shifting of the TASMAC shop to the new place. Further, the learned counsel submitted that the petitioner has got remedy by way of an appeal under Section 9A of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, hence, the petitioner has to file an appeal.

3.The learned counsel for the petitioner submitted that the petitioner would file an appeal within a period of two weeks.



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4. Recording the submissions made by the learned counsel on either side, we direct the respondents to maintain status-quo till the disposal of the appeal by the Appellate Authority."

3. Today when the writ petition is taken up for hearing, learned counsel appearing for the petitioner submitted that pursuant to the order dated 13.9.2022 passed by this Court, the petitioner has filed an appeal on 23.9.2022 and till the disposal of the appeal, the interim order granted by this Court to maintain status quo may be extended.

4. Since appeal under Section 9A of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, has been filed by the petitioner, we direct the appellate authority to dispose of the appeal filed by the petitioner in accordance with law as expeditiously as possible. Till the disposal of the appeal, the order of status quo granted by this Court dated 13.9.2022 shall continue.



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5. With the above observation and direction, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.23541 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
11.10.2022

Index : Yes/No
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