

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.27220 of 2022

S.Moorthy .. Petitioner

Vs.

1. The District Collector  
Erode District  
Erode.

2. The General Manager  
TASMAC  
24, TASCOT Building  
Bhavani Main Road  
Suriyampalayam  
Erode 638 316.

3. The Managing Director  
TASMAC, CMDA Tower 2  
4th Floor, Gandhi Irwin Bridge Road  
Egmore, Chennai 8.

4. The Superintendent of Police  
Erode District  
Erode.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the respondents and their subordinates from establishing/running the TASMACH shop at S.No.494/6A, Kandasamy Palayam, Kollangkoil Village, Kodumudi Taluk, Erode District, based on the representation of the petitioner dated 31.08.2022 on the file of the first respondent.

For the Petitioner : Mr.K.Sasindran

For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
for Respondents 1 & 4

Mr.K.Sathish Kumar  
Standing Counsel  
for Respondents 2 & 3

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition has been filed to forbear the respondents and their subordinates from running TASMACH shop at S.No.494/6A, Kandasamy Palayam, Kollangkoil Village, Kodumudi Taluk, Erode District, by considering the representation of the petitioner dated 31.08.2022 addressed to the first respondent.

2. According to the petitioner, a TASMACH shop cannot be set up in an agricultural land, unless the agricultural land is reclassified for commercial purpose. Therefore, the villagers made representations to the first respondent on 27.09.2021 and thereafter, on 18.10.2021 objecting to the establishment of TASMACH shop in the agricultural land as it would cause hindrance to the children and women using that road for going to school and work and also the devotees who visit the temple near the TASMACH shop. As no action was taken, he made a representation on 31.08.2022, but in vain. Hence, he has come up with this writ petition.

3. Learned State Government Pleader invited our attention to Rule 8(3) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, which reads as under:

*"8. Location of shop:-*

*...*

*(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."*

4. Learned Government Pleader submitted that as per Rule 8(3) quoted above, the representation made by the petitioner is under consideration of the first respondent.

5. In view of the above, we direct the first respondent to consider the representation of the petitioner dated 31.08.2022 and pass a speaking order, after providing an opportunity of hearing to the petitioner as well as any other person interested, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, WMP No.26419 of 2022 is closed.

(T.R., ACJ.)      (D.K.K., J.)  
12.10.2022

Index : Yes/No

kpl

To

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T.RAJA, ACJ,  
and  
D.KRISHNAKUMAR,J  
(kpl)

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