



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.4.2022

CORAM :

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THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE,
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) Nos.2792 of 2018 and 16155 of 2020,
and W.P. No.24620 of 2021
and

W.M.P. (MD) No.2958 of 2018 & W.M.P.No.25897 of 2021

W.P. (MD) No.2792 of 2018

K.Anbucheliyan

...Petitioner

Vs

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Muthukulathoor Taluk,
Ramanathapuram District.
- 5.The Supervisor,
Shop No.6929, Tasmac Retail Shop,
Keelashirupothu Village, Meelashirpathu (P.O.)
Muthukulathoor Taluk,
Ramanathapuram District.
- 6.The Inspector of Police,
Ilachampoor Police Station,
Muthukulathoor,
Ramanathapuram District.



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7.The Principal Secretary to the
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department, Secretariat,
Fort St. George, Chennai 600 009.

8.The Principal Secretary to the
Government of Tamil Nadu,
Village Panchayat and Local Administration Department,
Secretariat, Fort St. George, Chennai 600 009.

9.The Principal Secretary to the
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai 600 009.

(RR 7 to 9 suo motu impleaded vide order
dated 27.03.2019 made in WP(MD) No.2792 of 2018)

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to close the TASMAL retail outlet No.6929 and bar by respondent No.2 situated in land survey No.422/7 in Patta No.621 in Keelashirupothu Village, Muthukulathoor Taluk, Ramanathapuram District, considering the petitioner's representation as well as his villagers' representations dated 11.07.2017, 16.10.2017 and 03.12.2017.

W.P.(MD) No.16155 of 2020

S.Akbar John Beevi

...Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer
(Village Panchayat), Tiruppulani,
Ramanathapuram District.

3.The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAL), Ramanathapuram.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the



respondents to close the TASMAL liquor shop (Shop No.7005) situate at Karichankundu, Periyapattina, Ramanathapuram District taking into account of resolution passed in the Panchayat Meeting in Resolution No.91 dated 06.08.2020 and by considering the petitioner's representation 24.09.2020 within the period that may be stipulated by this Court.

W.P.No.24620 of 2021

K.Banupriya

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The District Collector,
District Collectorate,
Coimbatore District.
- 3.The Zonal Manager,
Tamil Nadu State Marketing Corporation,
Pollachi Region, Coimbatore District.

4.G.M.Manokaran

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from establishing a TASMAL liquor shop in the land of 4th respondent in S.F.No.49/1A, 49/2B1A of R.Gopalapuram Village of Ramapattinam Panchayat in Pollachi Taluk, Coimbatore District in a way detrimental to the resolution of petitioner's panchayat dated 02.10.2021 and right to life of residents of petitioner's panchayat, their peaceful worship and th safety of their children by considering the petitioner's representation dated 28.10.2021.

For the Petitioner

in WP(MD).2792/2018	:	Mr.D.Balamuruga Pandi
in WP(MD).16155/2020	:	Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
in WP.24620/2021	:	Mr.N.Ponraj



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For Respondents

: Mr.R.Shunmugasundaram
Advocate General
assisted by
Mr.P.Muthukumar
State Govt. Pleader
for the State Government
&
: Mr.K.Satish Kumar
Standing Counsel
for TASMAC

COMMON ORDER

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

The writ petitions have been filed by the respective petitioners seeking to close the TASMAC liquor shops on the location given by the petitioners in the respective writ petitions.

2. The learned Advocate General appearing for the State submits that an amendment in the relevant rules has been made by the Notification dated 13.2.2022 and otherwise, the petitioners can now avail the remedy of appeal by approaching the District Collector concerned where all the factual issues can be determined.

3. The learned counsel for the respective petitioners have also agreed to take the remedy of appeal before the District Collector concerned under Sub-Rule (3) of Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

4. In view of the above, the writ petitions are disposed of with liberty to the respective petitioners to avail the remedy of appeal and if they are preferred by the petitioners within a period of one month from today, the Appellate Authority would be expected to decide them on merits by passing a speaking order. Consequently, the connected WMPs are closed. No costs.

Sd/-

Deputy Registrar(CS)

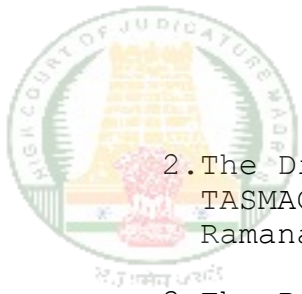
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Sub Assistant Registrar

RS/MRM

To:

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The District Manager,
TASMAC, Ramanathapuram District,
Ramanathapuram.

3.The Principal Secretary to the
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department, Secretariat,
Fort St. George, Chennai 600 009.

4.The Principal Secretary to the
Government of Tamil Nadu,
Village Panchayat and Local Administration Department,
Secretariat, Fort St. George, Chennai 600 009.

5.The Principal Secretary to the
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai 600 009.

6.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

7.The Tahsildar,
Muthukulathoor Taluk,
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8.The Inspector of Police,
Ilachampoor Police Station, Muthukulathoor,
Ramanathapuram District.

9.The Block Development Officer
(Village Panchayat), Tiruppulani,
Ramanathapuram District.

10.The District Collector,
District Collectorate,
Coimbatore District.

11.The Zonal Manager,
Tamil Nadu State Marketing Corporation,
Pollachi Region, Coimbatore District.

+1cc to the Government Pleader Sr.No.29205

W.P. (MD) Nos.2792 of 2018 & 16155 of 2020
and WP.No.24620 of 2021

PA(CO)
RVM(05/05/2022)