



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD)No.1868 of 2022

and W.M.P. (MD)No.1619 of 2022

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S.K.Sukumar

... Petitioner

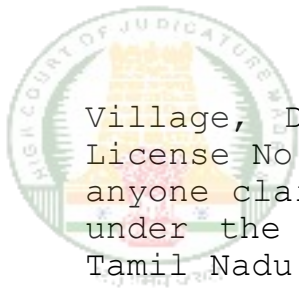
-Vs-

- 1.The Commissioner,
Prohibition and Excise Department,
Commissionerate of Prohibition and Excise
Chepauk, Chennai - 600 005.
- 2.The Assistant Commissioner (Dindigul)
Prohibition and Excise Department,
Dindigul District, Dindigul.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District, Dindigul.
- 4.The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
CMDA Tower -II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.
- 5.The District Manager,
IMFS Depot,
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Mullipadi, Dindigul - 624 005.

6.Manikannan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to take immediate action to prevent the illegal and unlawful running of the Bar at the premises at Hotel Praniv Plaza bearing Old Door No.41, New Door No.86, New Agraharam Road, Palani Main Road, Dindigul District, Dindigul, comprising in T.S.No.356/1B, T.S.No.355/2C, Dindigul



Village, Dindigul Taluk, Dindigul District, based on the expired License No.FL3 14/2013-2014 dated 09.07.2013 by the 6th respondent or anyone claiming under him or acting on his behalf and to take action under the provisions of the Tamil Nadu Prohibition Act, 1937 and Tamil Nadu Liquor (License and Permit) Rules, 1981.

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For Petitioner : Mr.T.V.Ramanujam,
Senior Counsel,
instructed by Mr.Arvind Srivatsa
for Mr.R.Ramadurai

For Respondents : Mr.M.Ramesh,
Government Advocate for R1 to R3
Mr.K.K.Udayakumar
for Mr.H.Arumugam,
Standing Counsel for R4 & R5
Ms.S.Vijaya Shanthi for R6.

O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 01.02.2022.

2. Pursuant to aforementioned earlier proceedings and more particularly paragraphs 8 and 10 thereat, learned State Counsel Mr.M.Ramesh for respondents 1 to 3 and Ms.S.Vijaya Shanthi, learned private counsel for the sixth respondent (private respondent) have filed counter affidavit. To be noted, along with the the counter affidavit of sixth respondent, typed set of papers have also been filed. Mr.K.K.Udayakumar, learned counsel representing Mr.H.Arumugam, learned Standing Counsel for respondents 4 and 5 are also before this virtual Court.

3. Mr.T.V.Ramanujam, learned Senior Advocate appearing on behalf of the counsel on record for writ petitioner submits that leave of this Court to withdraw the captioned writ petition and WMP thereat may be given owing to the documents that have now been filed in the typed set of papers and the counter affidavit, wherein it has been *inter alia* averred that FL.3 licence has been transferred. Learned Senior Counsel submits that the rights of the writ petitioner may please be preserved for assailing such transfer in a manner known to law. Request acceded to.

4. Captioned writ petition and WMP thereat disposed of as withdrawn making it clear that the rights of the writ petitioner are preserved in the aforesaid manner. Though obvious it is also made clear that all questions including the questions raised in the captioned writ affidavit are left open to be decided in further



proceedings if any and if that be so. It is also made clear (though obvious) that this Court has not expressed any view or opinion on the merits of the matter. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Commissioner,
Prohibition and Excise Department,
Commissionerate of Prohibition and Excise
Chepauk,
Chennai - 600 005.
- 2.The Assistant Commissioner (Dindigul)
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+1 CC to M/s.S.VIJAYASHANTHI, Advocate (SR-4612[F] dated 07/02/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-4632[F] dated 07/02/2022)

+1 CC to M/s.SPL.GP (SR-4563[F] dated 07/02/2022)

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RD(15.02.2022) 4P 9C