

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.3035 of 2022
and
WMP(MD)Nos.2649 & 2650 of 2022**

Suresh

... Petitioner

VS.

1.The Managing Director,
TASMAC Ltd.,
4th Floor, C.M.D.A. Tower – II,
Gandhi Irwin Bridge Road,
Egmore, Chennai.

2.The District Collector,
Pudukottai District,
Pudukottai.

3.The District Manager,
TASMAC Ltd.,
Pudukottai District,
Pudukottai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.J2/35374/2021 dated 12.01.2022 and quash the

same as illegal, consequently directing the respondents 2 & 3 to close down the TASMACH shop No.6501 situated at Survey No.21/27, Town Ward No.16, New Ward No.19, Kattumavadi Mukkam, Aranthangi, Pudukottai District.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.N.GA.Nataraj,
Government Advocate for R2
Mr.H.Arumugam,
Standing Counsel for R1 & R3

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The relief sought in this Writ Petition is to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.J2/35374/2021 dated 12.01.2022 and quash the same as illegal, consequently directing the respondents 2 & 3 to close down the TASMACH shop No.6501, situated at Survey No.21/27, Town Ward No.16, New Ward No.19, Kattumavadi Mukkam, Aranthangi, Pudukottai District.

2. According to the petitioner, he is a resident of Aranthangi, Pudukottai District and he raised an objection for opening a liquor shop in the location in dispute, pointing out certain violations of the Tamil Nadu

Liquor Retail Vending (in Shops and Bars) Rules, 2003. However, the second respondent rejected the said objection by the order dated 12.01.2022, which is impugned herein.

3. Though the petitioner raised very many grounds assailing the order passed by the second respondent, the learned counsel for the petitioner restricted the relief sought herein by stating that an appeal against the opening of TASMAL shop lies under Rule 9A of the Rules, 2003 and hence, it would suffice, if a liberty is granted to the petitioner to file a statutory appeal before the appellate authority, for which, there is no serious objection on the side of the respondents.

4. In view of the limited relief sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court permits the petitioner to file an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order. On such filing, the appellate authority shall consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the parties, within a period of 60 days thereafter.

5. Accordingly, the Writ Petition is disposed of. No costs.
Consequently, connected miscellaneous petitions are closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
12.09.2022

Index : Yes / No
Internet : Yes

vsm

To

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- 3.The District Manager,
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W.P(MD)No.3035 of 2022

R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

vsm

ORDER MADE IN
W.P(MD)No.3035 of 2022

DATED : 12.09.2022