



WEB COPY

W.P(MD).No.6022 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD).No.6022 of 2022

and

W.M.P(MD) Nos.4691 and 4693 of 2022

Dr.S.Velu

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Manager,
TASMAC,
Tirunelveli District,
Tirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned order of the first respondent in e.f.vf;];.3/34936/2021, dated 15.03.2022 quash the same as illegal and consequently directing the respondents not to open the TASMAC shop established in Survey No.470/1, Vadakarai to K.Kailasapuram Road, Kangaikondam Bit-I, Tirunelveli.

For Petitioner	: Mr.D.Anbarasu
For R1	: Mr.K.S.Selva Ganesan Additional Government Pleader
For R2	: Mr.B.Jameel Arasu

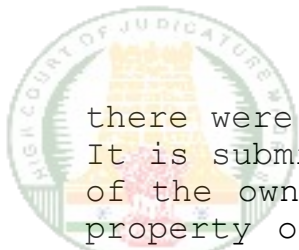
ORDER

The petitioner has filed this writ petition against the impugned order, dated 15.03.2022 seeking to open a new TASMAC shop in a land, which is adjacent to the petitioner's land in Survey No.470/1, which is owned by one Ashok Kumar.

2. The petitioner appears to have given a representation, dated 14.03.2022. It is the case of the petitioner that the TASMAC shop is coming up in an agricultural land contrary to the laws settled by this Court.

3. Opposing the prayer, the learned counsel for the second respondent submits that the petitioner has been set up erstwhile

<https://hccs.courts.gov.in/cases>



there were complaints, the TASMACH took a decision to shift the shop. It is submitted that the petitioner is fighting a proxy war on behalf of the owner of the land so as to ensure that the TASMACH takes the property on lease for the ensuing period also. The learned counsel for the second respondent, however, submitted that Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003 has been amended and notified by G.O.(Ms).No.17, dated 13.02.2022. He submits that Rule 9 A has been inserted as per any person aggrieved by an order passed by the Collector under Sub-rule (3) of rule 8 or under rule 9, may prefer an appeal before the Commissioner of Prohibition and Excise within a period of thirty days from the date of receipt of copy of this order.

4. Considering the above, I am inclined to dispose this writ petition by directing the petitioner to file a statutory appeal before the Commissioner in terms of Rule 9 A of the Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003 within a period of 30 days from the date of receipt of copy of this order. In case, the appeal is filed, the Commissioner shall consider the appeal and dispose of the same on merits and in accordance with law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Manager,
TASMACH,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL.GP (SR-16677[F] dated 05/04/2022)

+1 CC to Mr.D.ANBARASU, Advocate SR.No. 2933

W.P (MD) .No.6022 of 2022

04.04.2022

PA(12.04.2022) 2P 5C