



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.7231 of 2022

G.Vijayakumar

... Petitioner

/vs./

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The District Manager of TASMAL,
Tiruchirappalli District,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to remove the TASMAL shop No.85 at Periya Saurashtra Street, Uraiyoor, Tiruchirappalli District, on the basis of the petitioner's representation dated 08.03.2022.

For Petitioner	: Mr.R.Shankar Ganesh for Mr.S.Mahendrapathy
For R1	: Mr.M.Prakash Additional Government Pleader
For R2	: Mr.B.Jameel Arasu

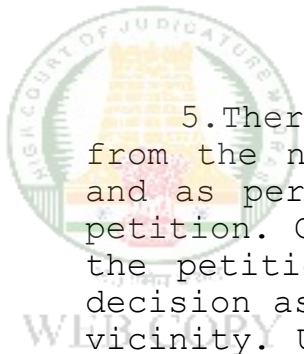
ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents to remove the TASMAL shop No.85 at Periya Saurashtra Street, Uraiyoor, Tiruchirappalli District.

2.It is the case of the petitioner that already there is a TASMAL shop existing in the same vicinity and therefore, there is no necessity to open the 3rd shop.

3.The learned counsel for the official respondent on the other hand submits that an order has been passed by the 1st respondent/the District Collector on 08.03.2022 and the TASMAL shop has also been opened and therefore, it is open for the petitioner to approach the Commissioner in terms Section 9A of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

4.I have considered the arguments advanced by the learned counsel for the petitioner, the learned counsel for the official respondent and the learned counsel for the 2nd respondent.



5. There is a large scale protest by the public as it evident from the newspaper clipping that has been filed by the petitioner and as per the photographs enclosed by the petitioner in the writ petition. Considering the same, I direct the respondents to consider the petitioner's representation dated 08.03.2022 and take a fresh decision as to whether the third TASMAL shop is required in the same vicinity. Until such orders are passed, the respondents may refrain from opening of the aforesaid shop and maintain *status quo* as on date. This exercise shall be carried out by the respondents within a period of 15 days from the date of receipt of a copy of this order. It is needless to state that before passing such orders, the petitioner shall also be heard. In case an adverse order is passed after hearing the petitioner, it is always open for the petitioner to approach the Commissioner in terms of Section 9A of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

6. The writ petition stands disposed of in terms of the above observation. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2. The District Manager of TASMAL,
Tiruchirappalli District,
Tiruchirappalli.

+1 CC to M/s.SPL.GP. (SR-19715[F] dated 20/04/2022)

+1 CC to M/s.S. MAHENDR PATHY, Advocate (SR-19885[F] dated 20/04/2022)

W. P. (MD) No.7231 of 2022

Date:19.04.2022

SA(11.05.2022) 2P 5C