



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **29.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN
W.P. (MD) No.8767 of 2022

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Packia Prakassh Raaj

... Petitioner

/vs./

1. The District Collector,
Sivagangai District,
Sivagangai 630 562.
2. The Assistant Commissioner (Excise),
Collectorate Complex,
Sivagangai 630 562.
3. The District Manager,
TASMAC Limited,
Thondi Road,
Sivagangai 630 561.
4. The Senior Regional Manager,
TASMAC Limited,
Plot No.100, Anna Nagar,
Madurai 625 020.
5. The Managing Director,
TASMAC Limited,
CMDA Tower II, 4th Floor,
8, Gandhi Irwin Bridge Road,
Egmore, Chennai 610 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to quash the 2nd respondent's notice in Na.Ka.T 3/10360/2022 dated 21.04.2022 calling upon the petitioner (Party - in - Person) to appear before the 1st respondent office for enquiry on 04.05.2022 at 3.30 pm.,

For Petitioner : Mr.Packia Prakassh Raaj
party-in-person

For R1 & R2 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R3 to R5 : Mr.H.Arumugam

**ORDER**

The petitioner has challenged the impugned notice dated 21.04.2022 issued by the 2nd respondent/the Assistant Commissioner, asking the petitioner to appear before the 1st respondent/the District Collector for an enquiry on 04.05.2022.

2.Earlier, the petitioner has approached this Court and an order came to be passed on 25.03.2022 in W.P.(MD) No.5334 of 2022. The operative portion of the aforesaid order reads as under:-

"4.I find sufficient merits in the submission of the party-in-person. I therefore direct the respondents herein to consider the petitioner's representation dated 21.02.2022 and take positive action for relocating the aforesaid TASMAC shop within a period of 30 days from the date of receipt of a copy of this order. As far as the Bar is concerned, there is an embargo as per the order of this Court in the batch of writ petitions in W.P.No.27352 of 2021 etc batch., **(S.Jagannathan Vs. The Managing Director)**, vide order dated 31.01.2022.

5.The writ petition stands disposed of, in terms of the above observation. No costs. Consequently, connected miscellaneous petition is closed."

3.It appears that after the aforesaid order was passed, the petitioner was issued with notices on 13.04.2022 and 21.04.2022. I am unable to understand as to why the petitioner should be summoned to come for an enquiry before the 1st respondent as the order of this Court directed the respondents to pass appropriate orders on merits on the petitioner's representation. *Prima facie*, the location of the TASMAC bar in the residential location appears to be contrary to the law settled by this Court in W.P.No.27352 of 2021 etc batch., **(S.Jagannathan Vs. The Managing Director)**, vide order dated 31.01.2022.

4.Under these circumstances, I direct the respondents to bring a closure to the issue by taking steps to relocate the TASMAC shop, which is situated below the petitioner's property, as it has causes nuisance to residents.



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

Sd/-

Assistant Registrar(Writ)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

1. The District Collector,
Sivagangai District,
Sivagangai 630 562.

2. The Assistant Commissioner (Excise),
Collectorate Complex,
Sivagangai 630 562.

+1 CC to M/s.PACKIYA PRAKASSH RAAJ, Party-in-Person
(SR-22503[F] dated 29/04/2022)

+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-23415[F] dated 04/05/2022)

W.P.(MD)No.8767 of 2022
29.04.2022

SP/26/05/2022/3P/5C