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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs. JUSTICE S.ANANTHI

W.P.(MD)No.9236 of 2022
and WMP(MD) No.6597 of 2022

N.Vanumamalai : Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower II, IV floor
Gandhi Irwin Bridge Road,
Egmore, Chennai 600 008.

2.The District Collector
Office of the Collector
Tirunelveli District.

3.The District Manager
District Government TASMAC Office,
Ambai Road, Melapalayam
Tirunelveli District.

4.The Assistant Commissioner
Excise Department
District Collector Office,
Tirunelveli.

5.The Regional Manager,
Government TASMAC regional Office,
Plot No.100 Anna Nagar,
Madurai 625 020. : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondent from opening the TASMAC liquor shop in the property of S.No.160 Meenavakulam Road, Marukalkurichi Panchayat, Tirunelveli District.

For Petitioner : Mr.K.R.Laxman
For Respondents : Mr.D.Sadiq Raja for R2
Additional Government Pleader
Mr.B.Jameelarasu for R1, R3 to R5

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ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Alleging that the respondents are attempting to open Shop No.10629 in S.No.160 of Meenavakulam Road, Marukalkurichi Panchayat, the present Public Interest Litigation has been filed.

2. Heard Mr.K.R.Laxman, learned counsel for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader, appearing for the 2nd respondent and Mr.B.Jameelarasu, learned standing counsel for the respondents 1, 3 to 5.

3. Shop No.10629 is being shifted from the existing place for want of accommodation to S.No.160, for which, the third respondent has sent a proposal to the second respondent. However, the learned counsel appearing on behalf of the third respondent brought to the notice of this Court Rule 9 of Tamil Nadu Liquor Retail Vending Rules, 2003, which reads as follows:

> "9.Shifting of shop – There shall be no change in the location of shops except with previous permission of the Collector.
>
> [provided that no such permission shall be given by the collector unless representation received, if any, objecting to the change in location of the shop, is considered and orders passed thereon.]"

4. That apart, an appeal provision has been provided under Rule 9-A of the said Rules. In such view of the matter, it is open to the petitioner to approach the concerned authorities in terms of Rules 9 and 9-A.

5. Recording the same, this writ petition stands closed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR
To

1.The Managing Director
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+1 CC to M/s.K.R.LAXMAN, Advocate (SR-24359[F] dated 07/06/2022)

+1 CC to M/s.SPL.GP (SR-24397[F] dated 07/06/2022)

Order made in
W.P.(MD)No.9236 of 2022
06.06.2022

SS(16/06/2022) 3P 8C

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