



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA**

**W.P. (MD)No.12331 of 2022 and
WMP(MD) No.8765 of 2022**

R.Maruthupandiarajan : Petitioner

Vs.

- 1.The Commissioner,
Prohibition and Excise department
Ezhilagam, Kamarajar Salai
Chennai - 5.
- 2.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Buildings - II, IV Floor
Gandhi Irvin Bridge Road, Egmore, Chennai.
- 3.The District Collector,
Madurai.
- 4.The Regional Manager South TASMAC
Door No.100, Anna Nagar, Madurai 20
- 5.The Assistant Commissioner,
Prohibition and Excise Department
District Collectorate Buildings,
Madurai District.
- 6.The District Manager,
TASMAC Godown-North
no.1 Madurai to Rameshwaram NH Road
Manalur Road
Sivagangai District : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 22.03.2022 within the time frame stipulated by this Court.



WEB COPY

For Petitioner : Mr.N.Ananthapadmanaban for
M/s.APN Law Associates
For Respondents : Mr.A.K.Manikkam,
Special Government Pleader
for R1, R3 & R5

Mr.H.Arumugam for R2, R4 & R6

ORDER

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

Alleging that the 6th respondent is opening a TASMAL Shop in D.No.15/1 in S.No.84/1 H and 84/1I, of Sathamangalam Village, the present Public Interest Litigation has been filed for a direction to the respondent No.4 not to open the said shop.

2.Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1,3 and 5 and the learned standing counsel for the respondents 2, 4 and 6.

3. In the affidavit filed by the petitioner, he has not even stated, which rule the respondents are violating by putting up a TASMAL shop in the said place.

4. On instructions, the learned standing counsel for the respondent TASMAL submitted that, the shop No.5422 was functioning in Thattankulam Village in Uthangudi and the same has been closed on the orders of this Court and a proposal has been sent by the 6th respondent on 07.06.2022 to the District Collector (third respondent) for shifting the said shop to D.No.15/1 in Sathamangalam Village and the said proposal is pending. He also brought to the notice of this Court Rule Nos.9 and 9-A of the Tamil Nadu Liquor Retail Vending Rules, 2003, which provides for consideration of the representation of aggrieved persons, while shifting a shop. In such view of the matter, this writ petition is closed with liberty to the petitioner to work out his remedies in the manner known to law. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RR



To

1.The Commissioner,
Prohibition and Excise department
Ezhilagam, Kamarajar Salai
Chennai - 5.

2.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Buildings - II, IV Floor
Gandhi Irvin Bridge Road, Egmore, Chennai.

3.The District Collector,
Madurai.

4.The Regional Manager South TASMAL
Door No.100, Anna Nagar, Madurai 20

5.The Assistant Commissioner,
Prohibition and Excise Department
District Collectorate Buildings,
Madurai District.

6.The District Manager,
TASMAL Godown-North
no.1 Madurai to Rameshwaram NH Road
Manalur Road
Sivagangai District

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-26874[F] dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-27138[F] dated 21/06/2022)

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-27263[F] dated 21/06/2022)

Order made in
W.P. (MD) No.12331 of 2022
20.06.2022

VR(CO)
TR(28.06.2022) 3P 10C