



W.P(MD).No.15581 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.15581 of 2022

and

W.M.P(MD)Nos.11221, 11222 and 12898 of 2022

M.Pasupathi Murugan

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Commissioner of Prohibition and Excise,
Chepauk,
Chennai-600 005.
- 3.The Managing Director,
TASMAC Limited,
Thalamuthu Natarajan Building,
4th Floor, CMDA Tower-II,
Egmore,
Chennai-600 008.
- 4.The District Manager,
TASMAC Limited,
Virudhunagar District.
- 5.The Assistant Commissioner,
Exercise Tax Department,
Virudhunagar District.
- 6.The Thasildar,
Watrab Taluk, Virudhunagar District.



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7.M.Veeralakshmi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the sixth respondent in Na.Ka.A1/1917/2022, dated 10.06.2022 and quash the same as illegal and consequently direct the first respondent to pass orders on the representation submitted by the petitioner on 23.05.2022 on following Rule 9 of Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 amended and notified by G.O.Ms.No.17, dated 13.02.2022.

For Petitioner	: Mr.B.Marees Kumar
For R1, R2, R5 & R6	: Mr.C.Satheesh Government Advocate
For R3 & R4	: Mr.H.Arumugam Standing Counsel

ORDER

The petitioner seeks quashing of the impugned order passed by the sixth respondent in Na.Ka.A1/1917/2022, dated 10.06.2022 and consequently, directing the first respondent to pass orders on the representation of the petitioner, dated 23.05.2022 following Rule 9, Tamil Nadu Retail Vending (In Shops and Bars) Rules, 2003 amended and notified by G.O.Ms.No.17, dated 13.02.2022.

2. The contention of the petitioner is that there was an existing TASMALAC shop in Shop No.12027 in Thangathirupathi Nagar. The said shop



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in business for more than 10 years in Plot No.108. Now, the respondents taken steps to shift the TASMAL to the housing plot in Plot No.98 A in the very same layout. Plot No.108 as well as Plot No.98 A are sold as residential plots. Plot No.98 A was sold to the seventh respondent. Further, the seventh respondent obtained a planning permission from the President of Vadugapatti Panchayat on 22.04.2022 for construction of residential building. Now, contrary to the planning permission obtained for commercial purpose shop is let out. More so, TASMAL is decided to open a wine shop in the midst of the residential locality having various objections, it is cause of concern for the safety and well being of the local residents. The petitioner sent representation to the Collector but no action taken.

3. From the report of the Thasildar, it is seen that the Thasildar made spot inspection, to verify the topography of the locality and surroundings in a perfunctory manner, issued no objection certificate for Plot No.99. The requirement for the TASMAL Shop is Plot No.98 A. This would clearly prove that no inspection done and at request, no objection certificate issued. In view of the same, he sought specific direction to the Collector to consider the petitioner's representation and give him an opportunity for personal hearing so that he can make his objections.



4. The learned Standing Counsel for the respondents 3 and 4 submits that request was made for Plot No.98 A, the revenue officials for what reason gave a report for Plot No.99 is not known. Finding anomaly in the report requested the revenue officials to give proper report with regard to shifting of TASMACH shop, from Plot No.108 to Plot No.98 A. So far functioning of shop in Plot No.108, no objection received. For the purpose of better amenities, shifting of shop to Plot No.98 A suggested. If any objection received, the same will be considered.

5. The learned Government Advocate for the respondents 1, 2, 5 and 6 submits that the Thasildar by oversight gave a report, with typographical error. The place inspected was only Plot No.98 A and no objection received from the Thasildar. The report with error is recalled and fresh report will be obtained. If there is any objections, the same can be forwarded to the concerned authority.

6. Considering the same and on perusal of the materials, this Court finds that the fresh report to be submitted by the Thasildar. Now, the impugned order withdrawn by the Thasildar. No further orders are required in this petition. It is made clear if there is any objection, the same to be



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considered by Collector and all concern in accordance with law. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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