



W.P(MD).No.16442 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.16442 of 2022

and

W.M.P(MD).No.11878 of 2022

G.Vijaya Kumar

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation,
(TASMAC),
CMDA Tower,
Chennai.

2.The District Collector,
Trichy District,
Trichy.

3.The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC),
Trichy.

4.The Regional Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC),
Old Collectorate Office,
Trichy.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to forbear the respondents



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from opening/establishing the TASMAC liquor shop at Door No.47 C, Periya Sowrashtra Street, Uraiyur, Trichy District by considering the petitioner's representation, dated 21.06.2022 within the period that may be stipulated by this Court.

For Petitioner : M/s.R.Geethanjali
For M/s.Ajmal Associates
For R1, R3 & R4 : Mr.B.Jameel Arasu
Standing Counsel
For R2 : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner sent a representation on 21.06.2022 to the respondents making objections that the shifting of TASMAC shop in Door No.47 C, Periya Sowrashtra Street, Uraiyur, Trichy District for the reason that earlier in the year 2012, in the same place, Shop No.10265 was opened and after the objection from the public, the Collector ordered to close the shop No.10265 and shif to some other place for the reason that in and around, there are places of worship, namely, Nachiyar Thirukovil, Nachiyar Kovil Bus Stop, Veikaliyamman Temple and further there is an elementary school. Further, in the same street, there are three other TASMAC shops and there is no necessity for the fourth one to be opened in a place, where the shop No.10265, which was earlier opened and closed. Since no action taken by the respondents, the petitioner filed this writ petition.



2. The learned Standing Counsel for the respondents 1, 3 and 4 submits that there was a proposal to open the TASMACH Shop No.10591 in Door No. 47 C, Periya Sowrashttra Street, Uraiyur, Trichy District was initiated. After the report, now the proposal is pending with the Collector, Thiruchirappali for getting his consent. At this stage, the petitioner's objection received and thereafter, enquiry conducted and found that the petitioner's objection to be reasonable. Further, in the year 2012, the TASMACH shop No.10265 was closed on the objections of the public. He further submitted that on the objections of the petitioner, now communications sent to the Collector, Trichy not to further process informing that the opening of shop No.10591 in the proposed address has been dropped. He produced the letter in Na.Ka.No. 519/2022/C.V-5, dated 27.07.2022, confirming the same.

3. The learned Government Advocate for the third respondent submits that as on day, no consent given by the Collector, Trichy for opening the TASMACH shop at Door No.47 C, Periya Sowrashttra Street, Uraiyur, Trichy District. Since the petitioner complaint seems to be reasonable and earlier in the same address, shop was closed and no consent to be given by the Collector, Trichy, if such proposal is received or comes for consent.



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4. Recording the same, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

28.07.2022

Index : Yes / No
Internet : Yes/ No
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To

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M.NIRMAL KUMAR, J.

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