



W.P.(MD)No.21195 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

**W.P.(MD)No.21195 of 2022
and
W.M.P.(MD)No.15392 of 2022**

Karuppaiah

... Petitioner

Vs.

1. The Commissioner of Prohibition and Excise,
Chepauk,
Chennai - 600 005.
2. The Managing Director,
TASMAC Limited,
Thalamuthu Natarajan Building,
4th Floor, CWDA Tower-II,
Egmore,
Chennai - 600 008.
3. The District Collector,
Virudhunagar District,
Virudhunagar.
4. The District Manager,
TASMAC Limited,
Virudhunagar District.



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5. The Thasildar,
Watrab Taluk,
Virudhunagar District.

6. The Block Development Officer,
Watrab Panchayat Union,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the third respondent to consider the petitioner's and other local residents' objections as per Rules 8 and 9 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 and consequently forbear the fourth respondent from opening the TASMAL Shop at Plot No.98A, Sri Thanga Thirupathi Nagar, S.No.482/2, Kalathur Village, Watrab Taluk, Virudhunagar District.

For Petitioner	:	Mr.K.Navaneetharaja
For Respondents	:	Mr.M.Siddharthan Addl. Govt. Pleader for R1,R3&R5 Mr.H.Arumugam for R2 and R4 Mr.M.Senthil Ayyanar Government Advocate for R6

ORDER

This Writ Petition is filed praying for a mandamus directing the 3rd Respondent to consider the objections of the Petitioner and other local residents in terms of Rules 8 and 9 of the Tamil Nadu Liquor Retail Vending



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(in Shops and Bars) Rules, 2003 and consequently forbear the fourth respondent from opening the TASMAC Shop at Plot No.98A, Sri Thanga Thirupathi Nagar, S.No.482/2, Kalathur Village, Watrab Taluk, Virudhunagar District.

2. The Petitioner is a resident at Plot No.47, Sri Thanga Thirupathi Nagar, S.No.482/2, Kalathur Village, Watrab Taluk, Virudhunagar District. A TASMAC shop is already in existence in Sri Thanga Thirupathi Nagar. In view of the presence of the TASMAC shop, certain difficulties were faced by the local residents. The 4th Respondent has now decided to relocate the TASMAC shop in Plot No.98A, Sri Thanga Thirupathi Nagar. A representation was submitted by the Petitioner on 06.06.2022, expressing his objection to the re-location of the TASMAC shop.

3. It is submitted by the learned counsel for the Petitioner that in terms of proviso to Rule 9, there is a duty cast upon the District Collector before granting permission with regard to relocation of the shop, to consider the representation / objection and pass orders thereon. The learned counsel



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for the petitioner had brought on record a report of the Zonal Deputy Block Development Officer dated 27.06.2022, wherein, he has recorded the objection to the proposed relocation of the TASMACH shop, which was also acknowledged by the sixth respondent, who has forwarded the same to the fifth respondent for appropriate action.

4. It is submitted by the learned Additional Government Pleader appearing for the Respondents that this is the second round of litigation. In the earlier round of litigation which was filed by another local resident, a challenge was made to the report of the Thasildar dated 10.06.2022. It was found by this Court that the Thasildar's report was with reference to a different plot viz., Plot No.98 instead of Plot No.98A. Hence, in that context, this Court was pleased to direct the Thasildar to submit a fresh report. It is further submitted by the learned Additional Government Pleader for the Respondents that pursuant to the above orders of this Court, the Thasildar has submitted a report. It was further submitted that any representation filed would be considered and orders passed thereon in accordance with law.



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5. Recording the same, the 3rd respondent shall consider and pass orders on the objections filed by the petitioner, dated 06.06.2022, in terms of Rule 9 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

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MOHAMMED SHAFFIQ, J.

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