

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.09.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN  
and  
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.21430 of 2022  
and WMP(MD)No.15586 of 2022**

Stalin Kumar George

... Petitioner

vs.

1.The Chairman,  
Tamil Nadu State Marketing Corporation Ltd.,  
CMDA Tower – II, IV Floor,  
Gandhi -Irvin Bridge Road,  
Egmore, Chennai.

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

3.The District Manager,  
Tamil Nadu State Marketing Corporation Ltd.,  
IMFS Depot, Bethel Nagar,  
Senbagaramanputhur – Aaralvaymozhi,  
Thovalai Taluk,  
Kanniyakumari District.

4.The District Collector,  
Nagercoil,  
Kanniyakumari District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4<sup>th</sup> respondent in his proceeding number Na.Ka.Ma5/ 43080/2022 dated 07.08.2022, and quash the same as illegal and consequently direct the respondents to not to open the Tasmac shop No.4847 at Door Number 6/2B, Survey Number 146/8B, Nithiravilai, Ezhudesam Town Panchayat Killiyoor Circle, Kanniyakumari District.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

For Respondents : Mr.P.Thilakkumar,  
Government Pleader for R4  
Mr.H.Arumugam,  
Standing Counsel for R1 & R3

**ORDER**

**(Order of the Court was made by R.MAHADEVAN, J.)**

The relief sought in this Writ Petition is to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4<sup>th</sup> respondent in his proceeding number Na.Ka.Ma5/ 43080/2022 dated 07.08.2022, and quash the same as illegal and consequently direct the respondents to not to open the Tasmac shop No.4847 at Door Number 6/2B, Survey Number 146/8B, Nithiravilai, Ezhudesam Town Panchayat Killiyoor Circle, Kanniyakumari District.

2. According to the petitioner, he is a resident of Nithiraivilai and he raised an objection for opening a liquor shop in the location in dispute, pointing out certain violations of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. However, the fourth respondent rejected the said objection by the order dated 07.08.2022, which is impugned herein.

3. Though the petitioner raised very many grounds assailing the order passed by the fourth respondent, the learned counsel for the petitioner restricted the relief sought herein by stating that an appeal against the opening of TASMAL shop lies under Rule 9A of the Rules, 2003 and hence, it would suffice, if a liberty is granted to the petitioner to file a statutory appeal before the appellate authority, for which, there is no serious objection on the side of the respondents.

4. In view of the limited relief sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court permits the petitioner to file an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order. On such filing, the appellate authority shall consider the same and pass appropriate orders, on merits and in accordance with law,

after affording an opportunity of hearing to all the parties, within a period of 60 days thereafter.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[R.M.D.,J.] & [J.S.N.P.,J.]**  
**12.09.2022**

Index : Yes / No  
Internet : Yes

vsm

To

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vsm

ORDER MADE IN  
W.P(MD)No.21430 of 2022

DATED : 12.09.2022