

W.P.(MD) No.21923 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2022

CORAM:

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

W.P.(MD) No.21923 of 2022

S.Suresh

... Petitioner

-vs-

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
St.Fort George, Chennai-09

2.The Commissioner
Prohibition and Excise Department
Chepauk, Chennai-05

3.The Managing Director
TASMAC
CMDA Tower 2nd Floor
Egmore, Chennai-08

4.The District Collector
Tiruchirappalli District
Trichy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fourth respondent to remove the TASMAL Shop Nos.10215 and 10233 in Trunk Road, Thiruvanaikovil, by considering petitioner's representation dated 01.06.2022, as per amendment Rule 9 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 vide G.O. (Ms).No.17 issued by the first respondent dated 13.02.2022, within a time stipulated by this Court.

For Petitioner : Mr.Muthukamatchi.V.

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1, R2 & R4
Mr.Sivanesan
Standing Counsel for R3

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1, 2 and 4 and Mr.Sivanesan, learned Standing Counsel, takes notice for the third respondent.

2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The prayer in the writ petition is for issuance of a writ of mandamus directing the fourth respondent to remove TASMACH Shop Nos. 10215 and 10233, in Trunk Road, Thiruvanaikovil, by considering the petitioner's representation dated 01.06.2022, as per the amended Rule 9 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 vide G.O.(Ms).No.17 dated 13.02.2022, within a time stipulated by this Court.

4. The learned counsel for the petitioner submitted that even though the petitioner made a representation as early as on 01.06.2022 ventilating the above grievance, till date no response is forthcoming from the side of the respondents. Hence, the learned counsel for the petitioner prayed for necessary directions to the respondents to consider the petitioner's representation dated 01.06.2022 on merits and in accordance with law, within a time stipulated by this Court.

5. The learned Government Pleader appearing for the respondents 1, 2 and 4 and the learned Standing Counsel appearing for the third respondent submitted that if a direction is given to the respondents, they will consider the petitioner's representation, within the stipulated time.

6. In view of the above submissions, without going into the merits of the claim made by the petitioner, the respondents are directed to consider the petitioner's representation dated 01.06.2022 and pass appropriate orders, on merits and in accordance with law, after giving due notice to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this order should not be construed as giving any positive direction to the respondents, who should pass orders depending upon the facts and circumstances of the case.

7. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]

16.09.2022

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
St.Fort George, Chennai-09.
- 2.The Commissioner,
Prohibition and Excise Department,
Chepauk, Chennai-05.
- 3.The District Collector,
Tiruchirappalli District,
Trichy.

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