

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.25538 of 2019
and
WMP(MD)Nos.22087 & 22089 of 2019**

P.Tamilmani

... Petitioner

VS.

- 1.The Regional Manager,
TASMAC,
District Collector Office,
Old Building - 1st Floor,
DRO Chamber,
Tiruchi 620 001,
Tiruchi District.
- 2.The District Collector,
Tanjavur District,
Tanjavur.
- 3.The District Manager,
TASMAC,
50/57, TANSIDCO Complex,
Nanjikottai Road,
Tanjavur 613 006,
Tanjavur 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 pertain to the proceedings No.Na.Ka.No.30465 / 2019 / X2 dated 12.10.2019 passed by the 2nd respondent and quash the same and further direct the 2nd respondent to close the liquor Shop and Bar near at A.Y.A Nadar Street (opposite to Kallupattarai) , Thanjavur as which is against the rules.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.P.Thilakkumar
Government Pleader for R2
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 pertain to the proceedings in No.Na.Ka.No.30465 / 2019 / X2, dated 12.10.2019 passed by the 2nd respondent and quash the same and further direct the 2nd respondent to close the liquor Shop and Bar near at A.Y.A Nadar Street (opposite to Kallupattarai) , Thanjavur as which is against the rules.

2. According to the petitioner, he is a resident of Konnar Thottam, Tanjavur District 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 second respondent rejected the said objection by the order dated 12.10.2019 which is impugned herein.

3. Though the petitioner raised very many grounds assailing the order passed by the second 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 petitions are closed.

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

Index : Yes / No
Internet : Yes

vsm

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W.P(MD)No.25538 of 2019

R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

vsm

ORDER MADE IN
W.P(MD)No.25538 of 2019

DATED : 12.09.2022