



W.P.(MD) No.27553 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27553 of 2022

and

W.M.P.(MD)No.21651 of 2022

Sahaya Mary

... Petitioner

-Vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Manager (TASMAC),
Tamil Nadu State Marketing Corporation,
Narikuravar Colony, Thondi Road,
Palamalai Nagar, Soorakulam Village,
Sivagangai-630 606.

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WEB COURT

3.The Tahsildar,
Kalaiyarkovil,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents forthwith to close and remove the TASMAL shop No.7614 and the Bar attached thereto, which are situated at K.K.Nagar, Kollangudi Panchayat, Kalayarkovil, Sivagangai District, by considering the petitioner's representation dated 06.10.2022.

For Petitioner	: Mr.G.S.Senthilkumar
For R1 & R3	: Mr.P.Thilak Kumar, Government Pleader
For R2	: Mr.H.Arumugam, Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The prayer sought for in the Writ Petition is to direct the respondents to forthwith close and remove the TASMAL shop No.7614 and the Bar attached thereto, which are situated at K.K.Nagar, Kollangudi Panchayat, Kalayarkovil,

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Sivagangai District, by considering the petitioner's representation dated 06.10.2022.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 and 3 and Mr.H.Arumugam, learned Standing Counsel takes notice for the 2nd respondent.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The learned Standing Counsel for the 2nd respondent submitted that the petitioner is having an alternative remedy before the appellate authority, namely, Commissioner, Prohibition and Excise Department under Section 9(A) (1) of Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003 and without resorting such alternative remedy, she has approached this Court. Therefore, this Writ Petition is not maintainable.



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5.Considering the fact that the petitioner is having an alternative remedy before the appellate authority, we are inclined to permit the petitioner to file an appeal before the appellate authority, namely, Commissioner, Prohibition and Excise Department, within a period of one week from the date of receipt of a copy of this order. If the appeal is filed within the time stipulated above, the Commissioner, Prohibition and Excise Department, is directed to consider the same and pass appropriate orders on merits and in accordance with law, as early as possible, preferably, within a period of four weeks thereafter.

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

[D.K.K., J.] & [R.V., J.]

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Index : Yes / No

Internet : Yes / No

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To

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Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalaiyarkovil,
Sivagangai District.



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R.VIJAYAKUMAR, J.

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