



W.P.(MD)No.27484 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2022

CORAM

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

W.P(MD)No.27484 of 2022
and W.M.P.(MD) No.21583 of 2022

Nileshram

... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Kanniyakumari.

2.The Managing Director,
Tamilnadu State Marketing Corporation Limited,
C.M.D.A. Building, Tower -II,
Gandhi Irwin Bridge,
Egmore, Chennai – 08.

3.The District Manager,
Tamilnadu State Marketing Corporation Limited,
Senbhagaramanpudhur,
Kanniyakumari District.

4.The Secretary,
Mexican Recreation Club,
Thuvarangadu,
Kanniyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India,
praying to issue a Writ of Mandamus, to the respondents 1 to 3 to



W.P.(MD)No.27484 of 2022

take action against the 4th respondent which has been established illegally and consequently change the 4th respondent club and TASMAL having Shop No.4766 to another place which affects the general public based on the petitioner representation dated 05.09.2022 and dispose of the same within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.S.Vaigunth

For 1st Respondent : Mr.P.Thilak Kumar
Government Pleader

For Respondents 2 and 3 : Mr.S.Sivanesan,
Standing Counsel

* * *

ORDER

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the 4th respondent, which has been established illegally, and consequently, for a direction to shift the 4th respondent club and TASMAL Shop No.4766, which affects the general public, to another place based on his representation dated 05.09.2022 and to dispose of the same within a time frame.

2. Heard Mr.A.S.Vaigunth, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader, who



W.P.(MD)No.27484 of 2022

accepts notice on behalf of the 1st respondent and Mr.S.Sivanesan, learned Standing Counsel, who accepts notice on behalf of the respondents 2 and 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4th respondent is dispensed with.

4. Alleging that the 4th respondent Club, without following the rules, is selling liquor to the general public instead of its members and they are operating the Club as that of a TASMAC shop, the petitioner submitted a representation to the official respondents on 05.09.2022, requesting them to take action against the 4th respondent and shift the Club and TASMAC Shop No.4766 to some other place, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the first respondent to



W.P.(MD)No.27484 of 2022

dispose of his representation dated 05.09.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 05.09.2022, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, the 4th respondent and all other parties concerned. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
02.12.2022

Internet : Yes / No
Index : Yes / No
sj



W.P.(MD)No.27484 of 2022

WEB COPY

To

- 1.The District Collector,
Kanniyakumari District,
Kanniyakumari.



WEB COPY



W.P.(MD)No.27484 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

W.P(MD)No.27484 of 2022

02.12.2022