



W.P.(MD)No.27466 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.27466 of 2022
and W.M.P.(MD) No.21565 of 2022

Chokkalingam

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Sub Collector,
Devakottai,
Sivagangai District.

3.The District Manager,
TASMAC,
Sivagangai District.

4.The Assistant Commissioner,
Prohibition and Excise Department,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to forbear the respondents from in any manner establishing the TASMAC shop within the Shanmuganathapuram Panchayat, Melasemponmari Group, Devakottai Taluk, Sivagangai District, on the basis of the objections submitted by the petitioner dated 12.10.2022.



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For Petitioner : Mr.K.Rajeshwaran

For Respondents 1, 2 & 4 : Mr.P.Thilak Kumar
Government Pleader

For 3rd Respondent : Mr.H.Arumugam
Standing Counsel

* * *

ORDER

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

This Writ Petition has been filed by the petitioner, seeking issuance of a Writ of Mandamus, forbearing the respondents from in any manner establishing the TASMAC shop within the Shanmuganathapuram Panchayat, Melasemponmari Group, Devakottai Taluk, Sivagangai District, on the basis of his objections dated 12.10.2022.

2. Heard Mr.K.Rajeshwaran, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1, 2 & 4 and Mr.H.Arumugam, learned Standing Counsel, who accepts notice on behalf of the 3rd respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, already there are four TASMAL shops situated around the petitioner's village, namely, Aravayal Village, Shanmuganathapuram Panchayat, and one within 500 meters on the western side in Mullikundu and the others are at a distance of 500 meters on northern side in Thanichavoorani, 1.5 Kms. on the eastern side in Unjanai and 3 Kms. on the southern side in Devakottai Rastha and now the 3rd respondent is proposing to shift the TASMAL shop from Mullikundu Village to the petitioner's village on the way to temples and schools. Hence, the Writ Petition.

4. Today, when the matter is taken up for hearing, the learned Standing Counsel counsel for the 3rd respondent, on instructions, submitted that the case / claim of the petitioner would be considered by conducting an enquiry and after affording an opportunity of hearing to the petitioner and any other parties concerned, and thereafter, a decision would be taken in the manner known to law and the same would be communicated to the petitioner and till such time, the authorities would keep the proposal for shifting the TASMAL Shop in abeyance.



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5. Recording the submissions made by the learned Standing Counsel for the 3rd respondent, the Writ Petition stands disposed of. 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

To

- 1.The District Collector,
Sivagangai District.
- 2.The Sub Collector,
Devakottai,
Sivagangai District.
- 3.The Assistant Commissioner,
Prohibition and Excise Department,
Sivagangai District.



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and

J.SATHYA NARAYANA PRASAD, J.

sj

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