



W.P.(MD) No.27597 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.27597 of 2022

and

W.M.P.(MD)No.21694 of 2022

M.Pannerselvam

... Petitioner

-Vs-

1.The Home Secretary,
Secretariat, Fort St.George,
Chennai.

2.The District Collector,
O/o. The District Collector,
Trichy District, Trichy.

3.The Tahsildar,
O/o. Tahsildar Office,
Thuraiyur Taluk, Trichy District, Trichy.

Page 1 of 6



W.P.(MD) No.27597 of 2022

WEB CUP

4.The Block Development Officer,
Thuraiyur Block, Trichy District.

5.The Manager,
O/o. District TASMAL Office,
Old building, 1st Floor,
DRO Room, Trichy.

6.Murugesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings Na.Ka.Pi & E3/239537/2022, dated 16.11.2022 passed by the 2nd respondent and quash the same.

For Petitioner	: Mr.D.Ashok Kumar
For R1 to R3	: Mr.P.Thilak Kumar, Government Pleader
For R4	: Mr.V.Nirmal Kumar, Government Advocate
For R5	: Mr.S.Sivanesan Standing Counsel



W.P.(MD) No.27597 of 2022

WEB COPY

ORDER

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

Challenging the proceedings in Na.Ka.Pi & E3/239537/2022, dated 16.11.2022 issued by the 2nd respondent, rejecting the objections raised by the petitioner to open a TASMAC shop in the 6th respondent's land, this Writ Petition is filed.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 3, Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the 4th respondent and Mr.S.Sivanesan, learned Standing Counsel takes notice for the 5th respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 6th respondent is dispensed with.

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



W.P.(MD) No.27597 of 2022

WEB COPY

4.The learned Standing Counsel for the 5th 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, he has approached this Court. Therefore, this Writ Petition is not maintainable.

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. Till such time, there shall be an order of interim stay in respect of the impugned order dated



W.P.(MD) No.27597 of 2022

WEB COPY

16.11.2022 passed by the 2nd respondent. We make it clear that if the appeal is not filed within the stipulated time, the 2nd respondent is at liberty to proceed in accordance with law.

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.]

06.12.2022

Index : Yes / No
Internet : Yes / No

Myr

To

1. The Home Secretary,
Secretariat, Fort St. George,
Chennai.

2. The District Collector,
O/o. The District Collector,
Trichy District, Trichy.

Page 5 of 6



WEB COPY



W.P.(MD) No.27597 of 2022

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Myr

3.The Tahsildar,
O/o. Tahsildar Office,
Thuraiyur Taluk,
Trichy District, Trichy.

4.The Block Development Officer,
Thuraiyur Block, Trichy District.

W.P.(MD)No.27597 of 2022

06.12.2022

Page 6 of 6