



W.P.(MD) No.27727 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27727 of 2022

and

W.M.P.(MD)No.21826 of 2022

P.Subbuthai

... Petitioner

-Vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

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4.The District Manager,
Tamilnadu State Marketing Corporation (TASMAC),
104-C, SIPCOT Valagam, Madathur,
Thoothukudi District.

5.The Tahsildar,
Kayatharu Taluk,
Thoothukudi District.

6.The Assistant Commissioner,
Prohibition and Excise Department,
Collectorate, Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein not to open / shift new or any existing TASMAC shop in Survey No.253/2C4 of the South Theethaampatti Revenue Village, Kayatharu Taluk, Thoothukudi District on the basis of the petitioner's representations dated 27.06.2022 and 25.11.2022 without following due process of law.

For Petitioner : Mr.K.K.Samy
For R1, R3, R5, : Mr.P.Thilak Kumar,
& R6 Government Pleader

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For R4 : Mr.S.Sivanesan,
Standing Counsel
For R2 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

This Writ Petition is filed seeking issuance of a Writ of Mandamus, directing the respondents not to open / shift new or any existing TASMACH shop in Survey No.253/2C4, South Theethampatti Revenue Village, Kayatharu Taluk, Thoothukudi District, on the basis of the petitioner's representations dated 27.06.2022 and 25.11.2022 without following due process of law.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1, 3, 5 and 6, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice for the 2nd respondent and Mr.S.Sivanesan, learned Standing Counsel takes notice for the 4th respondent.

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

4.The learned Standing Counsel for the 4th respondent brought to the notice of this Court the proceedings of the 1st respondent dated 05.09.2022 in Na.Ka.X3/20742/2022, wherein, the 1st respondent has granted permission to shift the shop No.9906, situated at Annamalai Nagar, South Theethampatti, Kayatharu Taluk, Thoothukudi District to Survey No.253/2C, South Theethampatti Revenue Village, Kayatharu Taluk, Thoothukudi District, As against which, one Ramasuburaj has filed W.P.(MD)No.26636 of 2022 before this Court, thereafter, the same was dismissed as withdrawn, by order dated 25.11.2022.

5.In view of the above, we are of the view that if the petitioner is aggrieved by the said order of the 1st respondent dated 05.09.2022, he can approach the Commissioner of Prohibition and Excise Department for appropriate relief.

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6.This Writ Petition stands dismissed, accordingly. 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

1.The District Collector,

Thoothukudi District,

Thoothukudi.

2.The Superintendent of Police,

Thoothukudi District, Thoothukudi.

3.The Revenue Divisional Officer,

Kovilpatti, Thoothukudi District.

4.The Tahsildar,

Kayatharu Taluk,

Thoothukudi District.

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5.The Assistant Commissioner,
Prohibition and Excise Department,
Collectorate, Thoothukudi,
Thoothukudi District.

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