



WEB COPY



W.P.No.7504 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.03.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.7504 of 2023 and
WMP No.7606 of 2023

V.Manivannan

... Petitioner

Vs

1.The District Collector,
Collectorate,
Thiruvallur
Thiruvallur District.

2.The District Manager,
Tamilnadu State Marketing
Corporation Ltd., (TASMAC),
Chembrambakkam,
Thiruvallur (East) District.

3.Varadharajapuram Village Panchayat
Rep. by its President,
Varadharajapuram,
Chennai-600 123.

4.J.Saji

5.Azhagu Subramani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus forbearing the respondents from locating
a TASMAC shop at S.F.No.413/13, Varadharajapuram Village, Poonamallee



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Taluk, Thiruvallur District in violation of the petitioner's right to life and property conferred under Article 21 of the Constitution, by considering his representation dated 28.01.2023.

For Petitioner : Ms.R.Renukadevi

For Respondents : Mr.M.Murali (for R1 and R3)
Government Advocate

Mr.K.Balakrishnan (for R2)
Standing Counsel

ORDER

Mr.M.Murali, learned Government Advocate accepts notice for R1 and R3 and Mr.K.Balakrishnan, learned Standing Counsel accepts notice for R2 and both are armed with instructions to enable a final disposal of this matter even at this juncture.

2.In the light of the order that is proposed to, and is passed in the following paragraphs, no notice is thought necessary at this juncture to the private respondents/R4 and R5.

3.The petitioner who claims to be resident in Varadharajapuram Village, Poonamallee Taluk, Thiruvallur District seeks a mandamus forbearing the respondents from locating a TASMACH shop at S.F.No.413/13 in that village. He states that he has filed a representation along with identical lines, which is pending consideration.



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4.Mr.Balakrishnan, who accepted notice for TASMAL would assure the Court and the petitioner that the proposal is very nascent and is only at the stage of inspection of site. Furthermore, Rule 8(1) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 make it incumbent for the District Collector to finalise a proposal for location/shifting of a TASMAL shop only after having considered and adjudicated upon objections raised by residents in the locality.

5.Since Mr.Balakrishnan would accede to the position to the effect that the representation dated 28.01.2023 is in fact, pending before the District Collector/R1, it is incumbent upon R1 being a District Collector to consider the representation dated 28.01.2023, hear the petitioner thereupon and decide the same before moving further in the matter.

6.With this and recording the undertaking given by learned counsel for R1 and R2, this writ petition is closed. No costs. Connected miscellaneous petition is also closed.

14.03.2023

vs

Index : Yes / No

Speaking Order

Neutral Citation : Yes

To



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Dr.ANITA SUMANTH,J.

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