



WEB COPY



W.P.No.14282 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.14282 of 2023

and

W.M.P.No.13804 of 2023

K.Rathinam

... Petitioner

Vs.

1. The Tamil Nadu State Marketing Corporation Limited (TASMAC),
Represented by its Managing Director,
CMDA Tower,
Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

2. The Tamil Nadu State Marketing Corporation Limited (TASMAC),
Represented by its Senior Regional Manager,
Salem.

3. The Tamil Nadu State Marketing Corporation Limited (TASMAC),
Represented by its District Manager,
Salem.

4. The District Collector,
Salem District,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the fourth respondent not to give permission for shifting TASMAC Shop No.7433 from the petitioner's building by considering and passing orders on the representation of the petitioner dated 19.04.2023.



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For Petitioner : Mr.K.Selvaraj

For Respondents :

For R1 to R3 : Mr.Sekar

For R4 : Mr.K.Suresh,
Government Advocate

ORDER

Mr.Sekar, learned counsel takes notice on behalf of the first to third respondent. Mr.K.Suresh, learned Government Advocate, takes notice on behalf of the fourth respondent.

2. The petitioner has filed this Writ Petition for the issuance of Writ of Mandamus to direct the fourth respondent not to shift the TASMACH Shop No.7433 situated in the petitioner's property.

3. The learned counsel for the petitioner submits that there are proposals for shifting the TASMACH Shop on account of various factors. However, he would submit that shifting of the TASMACH Shop is contrary to Rule 9 of the Tamil Nadu Liquor Retail Vending Rules, 2003 as amended. Rule 9 of the Tamil Nadu Liquor Retail Vending Rules, 2003 reads as under:



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“9. Shifting of Shop:- There shall be no change in the location of shops except with the previous permission of the Collector

[Provided that no such permission shall be given by the Collector unless representation received, if any, objecting to the change in location of the shop, is considered and orders passed thereon.]

4. Considering the above, there shall be a direction to the fourth respondent to consider the representation of the petitioner dated 19.04.2023 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Pending such decision, the respondents are directed to maintain *status quo* as on date.

5. The writ petition stands disposed of in terms of the above observations and directions. No cost. Consequently, connected miscellaneous petition is closed.

05.05.2023

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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C.SARAVANAN, J.

rgm

To

1. The Managing Director,
The Tamil Nadu State Marketing Corporation Limited (TASMAC)
CMDA Tower,
Gandhi Irwin Road,
Egmore,
Chennai – 600 008.
2. The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Limited (TASMAC)
Salem.
3. The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
Salem.
4. The District Collector,
Salem District,
Salem.

W.P.No.14282 of 2023

and

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