



WEB COPY



W.P.No.15615 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.05.2023

CORAM:

THE HONOURABLE MR. **JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No.15615 of 2023
&
W.M.P.No.15106 of 2023

Palaniappan

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Salem-600 001.

2.TASMAC Limited,
Rep. by its Managing Director,
CMDA Tower – II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.

3.The Senior Regional Manager,
TASMAC Limited,
Salem.

4.The District Manager (Salem),
TASMAC Limited,
No.2/92, Santhiyur Village,
S.Attayampatti Post,
Salem.

5.Shanthi

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 4 to not to open the TASMAC wine shop in the proposed location at S.No.22/14, Vellkalpatti Village, Omalur, Salem District.

For Petitioner : Mr.M.Manimaran

For Respondents : Mr.Sampath Kumar,
Government Advocate for R1
Mr.M.Sekar for R2 to R4

ORDER

The petitioner seeks to restrain respondents 2 to 4 from opening a TASMAC shop at Survey No.22/14, Vellkalpatti Village, Omalur, Salem District.

2. The petitioner asserts that the above mentioned property is a joint family property and that the fifth respondent is endeavoring to set up a TASMAC outlet on the said property.

3. Mr.Sampath Kumar, learned Government Advocate, takes notice for the first respondent and Mr.M.Sekar, learned standing counsel takes notice for respondents 2 to 4.

4. On instructions, learned standing counsel for TASMAC submits that a proposal for setting up a TASMAC outlet in the relevant location is pending with the District Collector. He also points out that the Tamil Nadu Liquor Retail Vending (in Shops and Bars)



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Rules 2003 (the Rules) envisage the conduct of an enquiry before a decision is taken.

5. Since the proposal is pending with the District Collector, the District Collector should conduct an enquiry in accordance with the Rules before taking a decision in the matter. All interested parties, including the petitioner and the fifth respondent, shall be put on notice and provided a reasonable opportunity before such decision is taken.

6. This writ petition is disposed of on these terms by directing the first respondent to take such decision within a period of two months from the date of receipt of a copy of this order. Since the merits of the matter have not been examined, the writ petition is being disposed of without notice to the fifth respondent. Consequently, connected miscellaneous petition is closed. No costs.

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Index : Yes

Internet : Yes

Speaking Order/Non speaking order

kal/rrg

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To

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- 3.The Senior Regional Manager,
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Salem.
- 4.The District Manager (Salem),
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SENTHILKUMAR RAMAMOORTHY, J.

rrg/kal

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