



W.P.No.16280 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.16280 of 2023

Ganesan

..

Petitioner

Vs.

1. The Tamil Nadu State Marketing Corporation Limited, Rep. by its Chairman
CMDA Tower-II, IV Floor
Gandhi Irwin Bridge Road
Egmore, Chennai – 600 008.
2. The Thasildar
Srilakshi Taluk, Myladuthurai District.
3. Pazhanivel
4. The District Collector
Myladuthurai District.

[R4 impleaded vide order dated 25.07.2023
in W.P.No.16280 of 2023]

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to forthwith effect closure / shutdown the TASMACH shop at S.No.221, Sembathanirupu Village, clear the area of plastic waste, glass bottles, broken glass and other wastes.



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For the Petitioner : Mr.A.Yogeshwaran

For the Respondents : Mr.C.Ramesh
Standing Counsel
for R1

Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for R2 & R4

No appearance for R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.A.Yogeshwaran, learned counsel for the petitioner,
Mr.C.Ramesh, learned Standing Counsel for respondent 1 and
Mr.P.Muthukumar, learned State Government Pleader assisted by
Mrs.R.Anitha, learned Special Government Pleader for respondents 2
and 4.

2. Learned counsel for the petitioner submits that the TASMACH shop is running within the distance of 200 meters from the National Highway 45-A. Survey report has also been given. The respondents have wrongly contended that the distance is 700 meters.



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3. The petitioner can raise his objections before the District Collector under Rule 9A of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003.

4. At request of the learned counsel for the petitioner, the leave to implead the District Collector, Myiladuthurai District as a party respondent, is granted. Mr.P.Muthukumar, learned State Government Pleader accepts notice for the added respondent.

5. Learned counsel submits that the petitioner has already filed such an application before the District Collector. In case, the application / complaint / representation of the petitioner dated 26.04.2023 is pending with the concerned District Collector, then the District Collector shall decide the same, on merits and in accordance with law after adhering to the principles of natural justice expeditiously, preferably within a period of four months from the date of the appearance of the petitioner. The petitioner shall appear before the Collector on 04.08.2023.



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6. With these observations, the writ petition stands disposed of.
There will be no order as to costs. Consequently, W.M.P.No.15668 of
2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

25.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(drm)

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