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W.P.Nos.32650 of 2018 and 800 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA ,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.Nos.32650 of 2018 and 800 of 2019

In W.P.No.32650 of 2018 :

1. D.Selvakumar
2. G.Balasubramanian
3. P.Ponnusamy
4. S.Duraisamy
5. T.Saravana Boobathy
6. K.R.Rajmohan
7. V.Dhandapani

.. Petitioners

Versus

1. The Chief Secretary,
Representing the Govt. of Thamizh Naadu,
Fort St. George,
Chennai - 600 009.
2. The Addl. Chief Secretary,
Home, Prohibition and Excise Dept.,
Govt. of Thamizh Naadu,
Fort St. George,
Chennai - 600 009.

And also
Director,
representing the Chairman,



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and other Directors of Thamizh Naadu,
State Marketing Corporation Limited (TASMAC).

3. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
 4. The Senior Regional Manager / DRO,
TASMAC,
305-A Vilankurichi Road,
Peelamedu, Old Shinthamani Co-operative Godown,
Coimbatore - 641 004.
 5. The District Manager,
TASMAC,
Coimbatore (North),
IMFS Depot, TASMAC Ltd.,
131, MSR Complex, Dayalan Street,
Kavundampalayam,
Coimbatore - 641 030.
 6. Lakshmi
 7. The Commissioner of Food Safety,
Chennai - 6.
 8. The Managing Director,
Tamil Nadu State Marketing Corporation
Limited, Thalamurthu Natarajar Maligai,
4th Floor, Gandhi Irwin Road, Egmore,
Chennai.
- .. Respondents

(RR-7 and 8 are suo motu impleaded vide order
dt.04.01.2019 made in W.P.No.32650 of 2018)

In W.P.No.800 of 2019 :



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1. D.Selvakumar
2. G.Balasubramanian
3. P.Ponnusamy
4. S.Duraisamy
5. T.Saravana Boobathy
6. K.R.Rajmohan
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and other Directors of Thamizh Naadu,
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4. The Senior Regional Manager / DRO,
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Coimbatore - 641 004.
5. The District Manager,



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TASMAC,
Coimbatore (North),
IMFS Depot, TASMAC Ltd.,
131, MSR Complex, Dayalan Street,
Kavundampalayam,
Coimbatore - 641 030.

6. Lakshmi

7. The Commissioner of Food Safety,
DMS Building, 5th Floor,
DMS Campus,
Teynampet, Chennai - 018.

8. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II, IV Floor,
Gandhi Irwin Road,
Egmore, Chennai - 008.

.. Respondents

(RR-7 and 8 are suo motu impleaded vide order
dt.21.01.2019 made in W.P.No.800 of 2019)

Prayer in W.P.No.32650 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, by calling for the records pertaining to the passing of the proceedings of the District Collector, Coimbatore, the third respondent herein, dated 17.10.2018 made in Na.Ka.No.256/2018/Gov.1, permitting the re-opening of the TASMAC liquor shop bearing No.1639 that was closed two days earlier, situate in Balan Nagar, Peelamedu, Coimbatore - 4 and quash the said proceedings and direct the closure of the said TASMAC liquor shop bearing No.1639.

Prayer in W.P.No.800 of 2019 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, by calling for the records pertaining to the passing of the proceedings of the District Collector, Coimbatore, the third respondent herein, dated 18.12.2018 made in Na.Ka.No.256/2018/Z1, rejecting the request of the petitioners to close



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the TASMAL liquor shop bearing No.1639, situate in Balan Nagar, Peelamedu, Coimbatore - 4 and thereby allowing the continuance of its functioning and quash the said proceedings and direct the closure of the said TASMAL liquor shop bearing No.1639.

For Petitioners : No Appearance
(in both W.Ps)

For Respondents : Mrs.R.Anitha,
(in both W.Ps) Special Government Pleader,
for RR-1 to 3 and 7

: Mr.K.Sathish Kumar,
for RR-4, 5 and 8

: Mr.P.R.Thiruneelakandan, for R6

COMMON ORDER

None appears for the petitioners. Heard Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 3 and 7; Mr.K.Sathish Kumar, learned Counsel for the respondents 4, 5 and 8 and Mr.P.R.Thiruneelakandan, learned Counsel for the sixth respondent.

2. The learned Counsel for the eighth respondent, on instructions, submits that the Collector, Coimbatore District has passed an order on 01.11.2021 for permanent closure of the sixth respondent's shop.



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3. In view of the above, the purpose of the Writ Petitions stands served. It is for the aggrieved party to challenge the order of the Collector dated 01.11.2021.

4. These Writ Petitions are disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.879 of 2019, 24790 and 24791 of 2021, 26346 of 2019 and 37860 of 2018 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

18.10.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

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Government of Thamizh Naadu,
Fort St. George,
Chennai - 600 009.
2. The Addl. Chief Secretary,
Home, Prohibition and Excise Dept.,
Govt. of Thamizh Naadu,
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