



W.P.(MD) No.554 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.554 of 2023

and

W.M.P.(MD)Nos.559 and 563 of 2023

K.Vijaya Bharathi

... Petitioner

-Vs-

1.State of Tamil Nadu,

Rep by its Principal Secretary,

Department of Home, Prohibition and Excise,

Secretariat, Chennai-9.

2.The Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,

Corporation Ltd, Rep. by its

Chairman and Managing Director,

Thalamuthu Natarajar Building,

Egmore, Chennai-600 008.

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3.The District Collector,

Ramanathapuram District,
Ramanathapuram.

4.The District Manager,

Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
Ramanathapuram, Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A6/0565/2022, dated 15.12.2022 on the file of the 4th respondent and quash the same as illegal and consequently, direct the respondents 3 and 4 to shift the TASMAC shop in Shop No.6805 in T.S.No.7/68 at Door No.12/338-K-6-1, Bhagwath Singh Road, Paramakudi Taluk, Ramanathapuram District which is in violation of the Tamil Nadu Liquor Retail Vending (In shops and Bars) Rules, 2003.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 & R3	: Mr.P.Thilak Kumar
	Government Pleader
For R2 & R4	: Mr.S.Sivanesan,
	Standing Counsel

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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The order of the 4th respondent dated 15.12.2022, shifting the TASMAL Shop in Shop No.6805, this Writ Petition is filed.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 and 3 and Mr.S.Sivanesan, learned Standing Counsel takes notice for the respondents 2 and 4.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.Today, when the matter was taken up for admission, the learned Standing Counsel for the respondents 2 and 4 has produced the proceedings of the 3rd respondent in Na.Ka.P.4/29776/2022, dated 13.07.2022, wherein the 3rd respondent has granted permission to shift the TASMAL shop in question, which was also referred to in the impugned order. Therefore, nothing survives in this Writ Petition.

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5.At this juncture, the learned counsel appearing for the petitioner seeks liberty to challenge the proceedings of the 3rd respondent dated 13.07.2022 before the appellate authority, namely, Commissioner, Prohibition and Excise Department under Section 9(A)(1) of Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003.

6.Considering the request made by the learned counsel for the petitioner, we are inclined to permit the petitioner to file an appeal before the appellate authority, namely, Commissioner, Prohibition and Excise Department, within a period of two weeks from the date of receipt of a copy of this order. If the appeal is filed within the time stipulated above, the Commissioner, Prohibition and Excise Department, is directed to consider the same and pass appropriate orders on merits and in accordance with law, as early as possible, preferably, within a period of four weeks thereafter.



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7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
10.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Home, Prohibition and Excise,
Secretariat, Chennai-9.

2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

3. The Commissioner,
Prohibition and Excise Department,
Chennai.

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