



W.P(MD)No.3171 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.3171 of 2023
and
W.M.P(MD)Nos.2956 & 2957 of 2023**

R.Rajinikanth

... Petitioner

VS.

- 1.The Commissioner,
Prohibition and Excise Department,
Chepauk,
Chennai.
 - 2.The District Collector,
The Collectorate,
Ramanathapuram District,
Ramanathapuram.
 - 3.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Plot No.100, Anna Nagar,
Madurai – 20.
 - 4.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Ramanathapuram,
Ramanathapuram District.
- ... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings made in Na.Ka.PP4/51610/2022, dated 07.11.2022 on the file of the second respondent and quash the same and forbearing the respondents from shifting and running the TASMAL retail vending shop No.6933 at new location at Door No.8/162-A, Bhagat Singh Road, T.S.No.209, Block No.19, Ward 'H', Paramakudi, Ramanathapuram District.

For Petitioner : Mr.B.Santhanam Rajeshkumar
For RR 1 & 2 : Mr.M.Sarangan
Additional Government Pleader
For RR 3 & 4 : Mr.S.Sivanesan
Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorarified Mandamus, to quash the proceedings made in Na.Ka.PP4/51610/2022, dated 07.11.2022 on the file of the second respondent and to forbear the respondents from shifting and running the TASMAL retail vending shop No.6933 at new location at Door No.8/162-A, Bhagat Singh Road, T.S.No.209, Block No.19, Ward 'H', Paramakudi, Ramanathapuram District.



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2. The learned standing counsel appearing for the respondents 3 and 4 submitted that the petitioner is having an efficacious alternative appeal remedy under Rule 9A of the Tamil Nadu Retail Vending (In Shops and Bars) Rules, 2003. Without exhausting the appeal remedy, the petitioner has filed the present Writ Petition and the learned standing counsel further submitted that so far the shop in question has not been opened.

3. The learned counsel appearing for the petitioner seeks liberty to file an appeal before the Appellate Authority within the time stipulated by this Court. Till such time, the petitioner seeks for granting of an interim order.

4. Considering the facts and circumstances of the case, liberty is granted to the petitioner to file an appeal before the Appellate Authority under Rule 9A of the Tamil Nadu Retail Vending (In Shops and Bars) Rules, 2003, within a period of one week from the date of receipt of a copy of this order. Till such time, the parties are directed to maintain *status quo*.



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5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [L.V.G.,J.]
16.02.2023

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

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To

- 1.The Commissioner,
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The Collectorate,
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and

L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.3171 of 2023

DATED : 16.02.2023