



W.P.(MD) No.7478 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.7478 of 2023
and
W.M.P.(MD)No.6989 of 2023**

Palanisamy

: Petitioner

-vs-

- 1.The Commissioner of Prohibition and Excise,
Chepauk, Chennai.
- 2.The Assistant Commissioner,
Prohibition and Excise Department,
Pudukkottai District.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC), Pudukkottai.
- 4.The District Collector,
District Collector Office,
Pudukkottai District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the respondents from opening the new TASMAC shop or shifting the TASMAC Shop No.6750 which is situated at Narpavalakudi Village, Aranthangi Taluk and Pudukkottai District to any of place within in the petitioner's village based on the petitioner's representation, dated 15.03.2023.



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For Petitioner : Mr.Maheswaran
for Mr.M.Rajarajan

For R1, R2 & R4 : Mr.P.Thilakkumar
Government Advocate

For R3 : Mr.H.Arumugam
Standing Counsel

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

It was brought to the notice of this Court that the petitioner's father has filed a writ petition earlier and the matter has now been set at rest by an order of the Appellate Authority rejecting the contentions of the petitioner's father. This Court finds that the writ petition is an abuse of process of law. However, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement to the effect. However, the learned counsel states that liberty may be given to his father to agitate his objections on the ground that the shop is located within the prohibited distance by challenging the order passed by the Appellate Authority. The order in this writ petition will not stand in the way of the petitioner's father raising an objection and approaching this Court that the shop is located within the prohibited distance of 220 mtr., from the State Highways.



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2. In view of the above, this Writ Petition is dismissed as withdrawn.

No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]

14.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

1.The Commissioner of Prohibition and Excise,
Chepauk, Chennai.

2.The Assistant Commissioner,
Prohibition and Excise Department,
Pudukkottai District.

3.The District Collector,
District Collector Office,
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