



W.P(MD)No.24061 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.24061 of 2022
and
W.M.P(MD)No.1031 of 2023**

V.K.Vayapuri

... Petitioner

VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.
- 3.The District Manager,
TASMAC,
Madurai District,
Madurai.
- 4.The Superintendent of Police,
Madurai District,
Madurai.
- 5.The Inspector of Police,
Special Branch,
Madurai District, Madurai.

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6.S.Kalyana Kumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the sixth respondent from locating the TASMAL shop in the name and style of “Mahizhchi Recreation Club” in the building comprised in R.S.No.317/8B, T.S.No.20/1A bearing Door No.100, situated at M.Malampatti – Usilampatti Road, nearby Village Temple, Bus stop and RTO office, M.Malampatti, Melur Taluk, Madurai District based on the representation of the petitioner dated 07.10.2022 besides directing him to locate the said Recreation Club in some other place.

For Petitioner : Mr.B.Prahalad Ravi

For RR 1 & 2 : Mr.P.Thilak Kumar
Government Pleader

For R – 3 : Mr.H.Arumugam

For RR 4 & 5 : Mr.S.Manikandan
Government Advocate (Crl. Side)

For R – 6 : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.S.Rajasekar



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ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, forbearing the sixth respondent from locating the TASMACH shop in the name and style of "Mahizhchi Recreation Club" in the building comprised in R.S.No.317/8B, T.S.No.20/1A bearing Door No.100, situated at M.Malampatti – Usilampatti Road, nearby Village Temple, Bus stop and RTO office, M.Malampatti, Melur Taluk, Madurai District based on the representation of the petitioner dated 07.10.2022 besides directing him to locate the said Recreation Club in some other place.

2.According to the petitioner, though the second respondent permitted the sixth respondent to run the orphanage alone, he is taking steps to locate the TASMACH shop in the name and style of Mahizhchi Recreation Club in the building at R.S.No.317/8B, T.S.No.20/1A bearing Door No.100, M.Malampatti – Usilampatti Road, Melur Taluk, Madurai District. Hence, the petitioner made an objection before the respondents 1



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to 5 not to grant any permission to run the said TASMAL shop in the aforesaid premises. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 and 2 submitted that the sixth respondent has applied for granting FL2 licence before the Commissioner of Prohibition and Excise Department and the same is still pending and no orders have been passed.

4.The learned senior counsel appearing for the sixth respondent submitted that Form 'D' licence has been issued by the second respondent/the Tahsildar in respect of the said building, wherein it has been wrongly mentioned as an 'orphanage' and the same has been rectified as 'for the purpose of running recreation club'. Further, the learned senior counsel submitted that the sixth respondent is not running the TASMAL shop in the aforesaid building.

5.In reply, the learned counsel appearing for the petitioner submitted that the petitioner will submit an objection before the Commissioner of Prohibition and Excise Department.



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6.Considering the submissions made on either side, we are of the view that the petitioner has filed the present Writ Petition in a pre-mature stage and the same cannot be entertained. Accordingly, this Writ Petition is dismissed. However, with liberty to the petitioner to submit an objection before the Commissioner of Prohibition and Excise Department, Madurai. On receipt of such objection, the Commissioner of Prohibition and Excise Department, Madurai is directed to consider the same and pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
31.01.2023

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

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Madurai District,
Madurai.
- 2.The Tahsildar,
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Madurai District.
- 3.The District Manager,
TASMAC,
Madurai District,
Madurai.
- 4.The Superintendent of Police,
Madurai District,
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- 5.The Inspector of Police,
Special Branch,
Madurai District, Madurai.

Copy To:

- 6.The Commissioner of Prohibition and Excise Department,
Madurai.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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DATED : 31.01.2023