



W.P(MD)No.24857 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.24857 of 2023
and
W.M.P(MD)No.21052 of 2023**

M.Nagarajan

... Petitioner

vs.

1. The District Collector,
Theni District.

2. The Regional Manager (TASMAC),
Madurai Region,
Plot No.100, Annanagar,
Madurai-20.

3. The District Manager (TASMAC),
Tamilnadu State Marketing Company,
Karuvelnayakkanpatti, Udayappa College Road,
Theni District.

4. The Executive Officer,
Thevaram Town Panchayat,
Thevaram.

5. S.Raja

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to close the TASMAC shop which is running in S.Nos.937/6 and 7 in Thevaram belongs to the 5th respondent as the same is illegal without considering the objection of the villagers made on 08.12.2021 as under



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amended Rule 8(3) of a Tamilnadu Liquor Retail Vending (in shops and bars) Rules 2003.

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For Petitioner	: Mr.R.Suriyanarayanan
For R1 & R4	: Mr.P.Thilakkumar, Government Pleader
For R2 & R3	: Mr.S.Sivanesan, Standing Counsel
For R5	: Mr.R.Shankar Ganesh

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.R.Suriyanarayanan, learned counsel appearing for the petitioner, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondent Nos.1 and 4, Mr.S.Sivanesan, learned Standing Counsel appearing for the respondent Nos.2 and 3 and Mr.R.Shankar Ganesh, learned counsel appearing for the respondent No.5.

2. The TASMAL Shop licence granted is assailed in the present writ petition.

3. The learned counsel for the petitioner submits that objection was raised even before the grant of licence. Earlier, the petitioner filed a writ petition in W.P(MD)No.2818 of 2023. The Division Bench of this Court on 13.02.2023 has passed an order directing the District Collector, Theni District, to consider the objection



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of the petitioner dated 08.12.2021. However, without considering the objection, licence has been granted.

4. Even after licence is granted, remedy is available to the aggrieved person under Rule 9-A of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 to approach the Appellate authority. The petitioner may file appeal with the Appellate authority who shall consider the same and take a decision within a period of three months from the date of filing of the appeal by the petitioner.

5. The Writ Petition, accordingly, stands disposed of. No costs.

[S.V.G., C.J.]

[L.V.G., J.]

01.12.2023

Index : Yes / No
Neutral Citation : Yes / No
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THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

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