



W.P.(MD)No.22349 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.22349 of 2017

and

W.M.P.(MD)Nos.18657, 18658 of 2017 and
17619 of 2018

V.Sudhakaran

... Petitioner

vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC),
Madurai South, Kappalur,
Madurai, Madurai District.



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3.The Divisional Officer (Excise),
Madurai South, Madurai.

4.S.M.T.Ravi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records from the 1st and 2nd respondents in their proceedings in 16613/2017/x3, dated 16.10.2017 and Na.Ka.No.21/2017/D, dated 24.11.2017, respectively and to quash the same.

For Petitioner	: Mr.N.Sathish Babu
For R1 and 3	: Mr.A.K.Manikkam Special Government Pleader
For R2	: Mr.H.Arumugam
For R4	: No appearance



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ORDER

This writ petition is filed for writ of Certiorari, to quash the proceedings, dated 16.10.2017 and 24.11.2017 passed by the 1st and 2nd respondents.

2. The contention of the petitioner is that the petitioner and the 4th respondent are license holders and are running TASMAL shop nos.5127 and 5169 respectively. Since both the petitioner and the 4th respondent are running TASMAL shop, there is a business rivalry. The 4th respondent has submitted a complaint to the authorities to shift the petitioner's TASMAL shop to some other place.



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3. Based on the complaint, after conducting enquiry, the impugned orders came to be passed. The petitioner has challenged the impugned orders in this writ petition.

4. At the time of admission, this Court has granted interim stay. Based on the said order, the petitioner is continuing the business in the said place.

5. When the writ petition was taken up for hearing today, petitioner as well as the respondents submitted that the 4th respondent's shop was already closed. Therefore, there will not be any hindrance for the petitioner to run the shop. Therefore, the impugned orders are quashed. The petitioner is allowed to run the shop in the said place.



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6. With the above said observation, the writ petition is allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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Internet : Yes

NCC : Yes / No

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To

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Madurai District, Madurai.
- 2.The Divisional Officer (Excise),
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