



WEB COPY



W.P.No.774 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.01.2024**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Writ Petition No.774 of 2024
and W.M.P.No.794 of 2024

P.Lakshmanamurthy

... Petitioner

-VS-

1.The Commissioner of Prohibition & Excise,
Chepauk, Chennai-600 005.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Tamil Nadu State Marketing,
Corporation Limited (TASMAC),
Represented by its District Manager (North),
Coimbatore District, Coimbatore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus forbearing the respondents 2 & 3 from locating and opening the TASMAC wine shop in the agricultural lands in Survey No.200/2 at Pillayappanpalayam Village, Annur-via, Coimbatore



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District, till the disposal of the statutory appeal of the petitioner dated 01.01.2024.

For Petitioner : Mr.K.Selvaraj

For R1 & R2 : Mr.E.Sundaram, Govt. Advocate

For R3 : Mr.K.Sathish Kumar
Standing Counsel (TASMAC)

ORDER

The petitioner seeks a direction to restrain respondents 2 and 3 from opening a TASMAC wine shop at the address specified in the prayer of the writ petition.

2. The petitioner asserts that he is the elected President of Pillayappanpalayam Panchayat. He further submits that the panchayat passed a resolution to prevent the location of the TASMAC wine shop at Pillayappanpalayam, Pachapalayam main road. He also states that the District Collector rejected the petitioner's representation in such regard by order dated 14.12.2023. A statutory appeal was filed against the said order before the 1st respondent on 01.01.2024.



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3. Although the relief claimed is to restrain the opening of the TASMAC wine shop, learned counsel for the petitioner submits that the 1st respondent may be directed to dispose of the pending appeal expeditiously. He also points out that Rule 9A of the Tamil Nadu Liquor (Retail Vending in Shops & Bars), Rules 2003 does not provide for a stay application.

4. Mr.E.Sundaram, learned Government Advocate, accepts notice on behalf of respondents 1 & 2. Mr.K.Sathish Kumar, learned Standing Counsel (TASMAC), accepts notice on behalf of the 3rd respondent. Mr.K.Sathish Kumar submits that sub-rule (2) of Rule 9A mandates that the Commissioner of Prohibition and Excise shall dispose of the appeal within 60 days. Therefore, he further submits that the petitioner would not be prejudiced in the meantime.

5. As contended by learned counsel for the petitioner, Rule 9A of the Tamil Nadu Liquor (Retail Vending in Shops & Bars), Rules 2003 does not provide for filing of a stay application. If the liquor shop is set up pending disposal of the appeal, the appeal would be rendered infructuous.



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6. In those circumstances, W.P.No.774 of 2024 is disposed of by directing the 3rd respondent not to open the TASMAC wine shop at the relevant location until the statutory appeal under Rule 9A is disposed of by the 1st respondent. There will be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

12.01.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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To

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SENTHILKUMAR RAMAMOORTHY,J

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