



WEB COPY



W.M.P.No.2280 of 2024 in
W.P.No.36406 of 2023

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V.LAKSHMINARAYANAN, J.

When the writ petition came up for admission on 28.12.2023, Mr.K.Balakrishnan, learned standing counsel for TASMACH represented that there is no proposal to shift shop No.4096 of Adhanacherry Village, Sriperumbudur Taluk, Kancheepuram District and with respect to Shop No.889 situated at No.2, Parthasarathy Petta Street, Teynampet, Chennai 86. Recording the statement, I disposed of the writ petition holding that since there is no proposal to shift the vending units, there is no cause of action for the writ petition.

2. Subsequently, Mr.K.Balakrishnan mentioned that the TASMACH officials had not informed him that even before the writ petition was taken up, on 14.11.2023, the District Collector has passed an order shifting shop



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No.4096 of Adhanacherry Village to R.M.Nagar of the same village. He submits that this order was not brought to his notice by his clients and hence, he had made a submission, before the court on 28.12.2023. He reiterates insofar as shop No.889 is concerned, there is no proposal.

3. Mr.M.Manimaran, learned counsel for the respondents submits that insofar as W.P.No.36406 of 2023 is concerned, the order may be recalled and since he had filed only for a writ of mandamus, liberty may be granted to file an appeal under Rule 9A of the Liquor Vending Rules or challenge it in the manner known to law.

4. Accordingly, the order dated 28.12.2023 passed in W.P.No.36406 of 2023 is recalled. The writ petition being one of mandamus will stand dismissed. Liberty is granted to the petitioner to challenge the



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order of District Collector dated 14.11.2023 in the manner known to law.

5. With the above direction, this Writ Miscellaneous Petition stands
allowed.

12.02.2024

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