



W.P.No.2273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.2273 of 2024
and W.M.P.No.2470 of 2024

V.Mohan

... Petitioner

-VS-

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.
- 2.The Commissioner
Prohibition and Excise Department
Cheppakkam, Chennai 05.
- 3.The Managing Director
Tamil Nadu State Marketing Ltd.,
CMDA Building
Tower - II, Gandhi Irwin Bridge Road
Egmore, Chennai 08.
- 4.The District Collector,
Tiruppur District,
Tiruppur.
- 5.The Senior Regional Manager
Tamil Nadu State Marketing Corporation



W.P.No.2273 of 2024

Coimbatore.

6.The District Manager

Tamil Nadu State Marketing Corporation (TASMAC)

Tiruppur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents herein or their men or agent from shifting the TASMAC outlet bearing Shop No.2004 along with bar located at D.No.1C3, 1C4 & 1D, Pasupathy Street, Udumalpet, Tiruppur District.

For Petitioner : Mrs.Rita Chandrasekar
for Ms.R.Meenakshi

For Respondents : Mrs.E.Sundarani, GA
1, 2, 4

For Respondents : Mr.V.Balakrishnan, SC (TASMAC)
3, 5, 6

For Respondent 7 : Mr.D.Ravichander, Spl. GP



WEB COPY



W.P.No.2273 of 2024

ORDER

By this writ petition, the petitioner seeks a direction to the sixth respondent not to shift TASMAL Shop No.2004 from the address specified in the prayer. The petitioner asserts that he is the owner of the property where TASMAL Shop No.2004 is located, and has been functioning for more than 16 years. The present writ petition is filed on the apprehension that TASMAL would shift the shop.

2. Learned counsel for the petitioner submits that a public interest litigation was filed and that the said petition was disposed of by order dated 04.08.2017 directing the District Collector to consider and dispose of the representation of the petitioner therein. Pursuant thereto, the District Collector issued an order in February 2018 rejecting the representation on the ground that the shop has been established in accordance with the Tamil Nadu Retail Liquor



W.P.No.2273 of 2024

Vending (in shops and bars) Rules, 2003. Learned counsel also points out that the petitioner has submitted a representation dated 11.10.2023 to the District Collector in this regard.

3. Mrs.E.Sundarani, learned Government Advocate, accepts notice on behalf of respondents 1 to 4; Mr.V.Balakrishnan, learned standing counsel (TASMAC), accepts notice on behalf of the respondents 5 and 6; and Mr.D.Ravichander, learned Special Government Pleader, accepts notice on behalf of the seventh respondent. Learned standing counsel for TASMAC submits that the TASMAC shop is functioning at the petitioner's property.

4. In view of the order of the District Collector of February 2018, there is no impediment to the functioning of the shop at present. Learned counsel for the petitioner pointed out however, that the shop may be shifted at the instigation of Uma Traders. The representation was submitted to the District Collector in that context.



W.P.No.2273 of 2024

WEB COPY 5. In these circumstances, it is sufficient to direct the District Collector to consider and dispose of the representation dated 11.10.2023.

6. Accordingly, W.P.No.2273 of 2024 is disposed of by directing the District collector to consider and dispose of the representation dated 11.10.2023 after providing a reasonable opportunity to the petitioner and any other interested person. Such representation shall be disposed of within a maximum period of *two months* from the date of receipt of a copy of this order. Until such time, Shop No.2004 shall not be shifted from the current location. No costs. Consequently, W.M.P.No.2470 of 2024 is closed.

02.02.2024

rna
Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No



W.P.No.2273 of 2024

WEB COPY

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.
- 2.The Commissioner
Prohibition and Excise Department
Cheppakkam, Chennai 05.
- 3.The Managing Director
Tamil Nadu State Marketing Ltd.,
CMDA Building
Tower - II, Gandhi Irwin Bridge Road
Egmore, Chennai 08.
- 4.The District Collector,
Tiruppur District,
Tiruppur.
- 5.The Senior Regional Manager
Tamil Nadu State Marketing Corporation
Coimbatore.
- 6.The District Manager
Tamil Nadu State Marketing Corporation (TASMAC)
Tiruppur.



WEB COPY



W.P.No.2273 of 2024

SENTHILKUMAR RAMAMOORTHY,J

rna

W.P.No.2273 of 2024
and W.M.P.No.2470 of 2024



WEB COPY



W.P.No.2273 of 2024

02.02.2024