



W.P.No.2972 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.02.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.2972 of 2024

S.Maheshkumar

... Petitioner

-VS-

1.The Commissioner,
Prohibition and Excise Department Chepauk
Chennai 600 005.

2.THE Managing Director,
Tamil Nadu State Marketing Corporation Limited
CMDA Building Tower II, Gandhi Irwin Building
Egmore Chennai 600 008.

3.The District Collector
Chengalpattu District, Chengalpattu 603 001.

4.P.Chellapandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, Directing the



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respondents 1 to 3 herein take action against the 4th respondent herein for his violations and breach of conditions stipulated in the License morefully mentioned in the representation of the petitioner dated 03.01.2024.

For Petitioner : M/s.S.Ruban Prabu, M.Sampath

For Respondents : Mr.P.Balathandayutham, Spl GP
1, 2

For Respondent 2 : Mr.V.Balakrishnan, SC (TASMAC)

ORDER

The petitioner asserts that he is the co-owner of about 5189 sq.ft. of land in New S.No.20/31, Ward 'A', Block No.20, Old Trunk Road, Essa Pallavaram Village. By pointing out that the fourth respondent has obtained a FL-2 licence and is functioning in breach thereof, the present writ petition is filed.



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2. Learned counsel for the petitioner submits that a representation dated 03.01.2024 was submitted to respondents 1 to 3, but that no action was taken thereon.

3. Mr.P.Balathandayutham, learned Special Government Pleader, accepts notice on behalf of respondents 1 and 3 and Mr.V.Balakrishnan, learned standing counsel (TASMAC), accepts notice on behalf of the second respondent. Learned counsel for respondents 1 and 3 submits that the FL-2 licence of the fourth respondent expires on 31.03.2024. If it is found that licence conditions were breached, he submits that the licence may not be renewed.

4. The petitioner's representation dated 03.01.2024 is on record. By such representation, the petitioner alleges that the fourth respondent has committed breach of terms and conditions of licence. Without putting the fourth respondent on notice and providing a



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reasonable opportunity to said respondent, this matter cannot be adjudicated on merits.

5. Therefore, without expressing any opinion on the merits of the matter, W.P.No.2972 of 2024 is disposed of by directing the first respondent to consider and dispose of representation dated 03.01.2024 after providing a reasonable opportunity both to the petitioner and the fourth respondent herein. Since no opinion is being expressed on the merits of the matter and because the first respondent has been directed to provide a reasonable opportunity to the fourth respondent before taking a decision, this writ petition is disposed of without notice to the fourth respondent. No costs.

12.02.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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To

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