



WEB COPY



W.P.No.16318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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R.Ramesh Kumar
Petitioner

..

VS

- 1.The State of Tamil Nadu,
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Prohibition and Excise,
Chepauk,
Chennai.
- 3.The District Collector,
Office of the Collectorate,
Coimbatore District,
Coimbatore-600 018.



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4. The Assistant Commissioner,
Prohibition and Excise,
Excise Duty Office,
State Bank Road,
Coimbatore District Collector Office,
New Building, 2nd Street,
Gopalapuram,
Coimbatore-641 018.
5. The TASMAC Limited,
rep. by its Managing Director,
4th Floor, CMDA Tower,
Gandhi Irwin Bridge,
Egmore,
Chennai-600 008.
6. The Senior Regional Manager,
D.No.305A, Vilankurichi Road,
Peelamedu Railway Station Back Side,
Chinthamani Co-operative Society Depot,
Peelamedu,
Coimbatore-641 004.
7. Devendiran @ Nandha .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing respondents 2 and 4 to take necessary and immediate action against the objection dated 15.5.2024 and consequently forbearing the 7th respondent to open FL2 Liquor Selling Bar proposed to be open in Nandha Chips shop, situated near Perur Chettipalayam Bus Stop, Coimbatore.



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For the Petitioner : Mr.W.Camyles Gandhi

For the Respondents : Mr.Edwin Prabakar
State Government Pleader
for respondents 1 to 4

: Mr.K.Sathish Kumar
for respondent No.5

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition seeking issuance of a writ of mandamus directing respondents 2 and 4 to take necessary action on the objection dated 15.5.2024 submitted by the petitioner and enjoin the seventh respondent from opening FL2 liquor selling bar in Nandha Chips shop situated near Perur Chettipalayam Bus Stop, Coimbatore.

2. The case of the petitioner is that the seventh respondent is proposing to open FL2 liquor selling bar in Nandha Chips shop



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situated near Perur Chettipalayam Bus Stop, Coimbatore. The proposed location is 100 feet away from a Government school and Vinayagar and Masaniamman Temples are situated at a distance of 50 feet and the said proposed bar would cause nuisance to the nearby residents, students, working women and general public. In this regard, the petitioner has submitted a objection/representation on 15.5.2024 to the respondent authorities. Despite receipt of the said representation, the respondent authorities have not considered the same till date. Hence, the petitioner has filed this writ petition.

3. Learned State Government Pleader, on instructions, submitted that the respondent authorities shall pass orders on the representation of the petitioner dated 15.5.2024 on merits and in accordance with law, after affording opportunity to all concerned.

4. Recording the submission made by learned State Government Pleader and without expressing any opinion on the merits of the matter, the writ petition is disposed of by directing the respondent authorities to consider the representation of the petitioner dated 15.5.2024 and pass orders on merits and in accordance with



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law, of course after affording reasonable opportunity to all concerned, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(R.M.D., ACJ.) (M.S.Q., J.)
08.07.2024

Index : Yes/No
NC : Yes/No
bbr

To:

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Commissioner,
Prohibition and Excise,
Chepauk, Chennai.
- 3.The District Collector,
Office of the Collectorate,
Coimbatore District,
Coimbatore-600 018.
- 4.The Assistant Commissioner,
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State Bank Road,
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- 5.The Managing Director,
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Egmore Chennai-600 008.
- 6.The Senior Regional Manager,
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Peelamedu Railway Station Back Side,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ,J.

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