



WEB COPY



W.P.No.14760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition No.14760 of 2024 and
W.M.P.Nos.16026 & 16027 of 2024

Karthik

... Petitioner

-VS-

1. The District Collector,
The District Collector Collectorate,
Tiruppur-641 604,
Tiruppur District.

2. The Assistant Commissioner of Prohibition
and Excise,
The District Collector Collectorate,
Tiruppur District.

3. The District Manager-cum-Sub Collector,
Tamil Nadu State Marketing Corporation Ltd.,(TASMAC),
Tamil Nadu Ware Housing Corporation,
Angeripalayam, Tiruppur-641 602
Tiruppur District.

4. The Secretary,
Communist Party of India,
102, Cotton mill road,
Tiruppur-641 602,
Tiruppur District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the third respondent dated 12.01.2024 in O.MU.No. 703 / 2024 / Kalal-1 and quash the same as illegal and unlawful and consequently direct the respondents to permit the functioning of the TASMAL shop No. 1909 at Ka. Sa. No. 565/1 at Ranganathapuram 3rd street, Kongu Nagar Main Road, Tiruppur.

For Petitioner : Mr.G.Pandian
for Mr.P.Kalimuthu

For R1 & R2 : Mr.P.Balathandayutham, Spl. G.P.

For R3 : Mr.K.Balakrishnan, Standing Counsel(TASMAL)

ORDER

A communication dated 12.01.2024 from the 1st respondent to the 3rd respondent is the subject of challenge in this writ petition. The petitioner is the licensee in respect of the shop adjoining TASMAL shop No.1909. The license is for the period from 14.03.2024 to 31.12.2025. Upon noticing communication dated 12.01.2024 from the 1st respondent to the 3rd respondent, whereby the 3rd respondent has been directed to take necessary



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action to vacate the shop on account of grievances expressed by the public,
the present writ petition was filed.

2. Learned counsel for the petitioner submits that a license was issued to the petitioner on 14.03.2024 and that such license is valid up to 31.12.2025. He also submits that the requisite No Objection Certificate was submitted by the petitioner. Since the petitioner has invested substantial amounts to upgrade the building, he submits that grave prejudice would be caused if the shop is shifted pursuant to the impugned communication.

3. Mr.P.Balathandayutham, learned Special Government Pleader, accepts notice for respondents 1 & 2. Mr.K.Balakrishnan, learned standing counsel, accepts notice for the 3rd respondent. Mr.P.Balathandayutham points out that the impugned communication is dated 12.01.2024, whereas the license was issued to the petitioner on 14.03.2024. Learned standing counsel for TASMAL submits that the Tamil Nadu Liquor (Retail Vending in Shops & Bars), Rules 2003 provides for the licensee to be heard before any action is taken. He refers to Rule 8(3) in this regard.



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4. In view of the submission that no action would be taken except in accordance with applicable Rules, the apprehension of the petitioner has been allayed. Therefore, W.P.No.14760 of 2024 is disposed of by directing the respondents not to take action to shift the shop except in accordance with applicable Rules and the terms and conditions of the license agreement between the petitioner and the 3rd respondent. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.06.2024

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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