



W.P. No. 33739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.33739 of 2024

T.Velayutham

... Petitioner

Vs.

1.The State of Tamil Nadu
Represented by its Secretary to Government
Home, Prohibition and Excise Department
Fort St. George
Chennai- 600 009.

2.The Chairman,
Tamil Nadu State Marketing Corporation Limited
CMDA Tower-II, IV Floor
Gandhi Irwin Bridge Road
Egmore, Chennai – 600 008.

3.The District Collector
Office of the District Collector of Dharmapuri
Dharmapuri District.

4.The District Manager
TASMAC, Dharmapuri,
Dharmapuri District.

5.The Tahsildar
Pappireddipatti Taluk
Dharmapuri District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from opening or shifting the TASMACH shop No.2868 at Mahatma Gandhi Street, Bairnathm Village, Pappireddipatti Taluk, Dharmapuri District.

For Petitioner	: Mr.J.Pradeep
For Respondent for RR 1, 3 & 5	: Mr.P. Balathandautham Special Govt. Pleader
For Respondent for RR 2 & 4	: Mr.M.Ramesh Standing Counsel

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The writ petition has been filed praying for a writ of Mandamus to forbear the respondents from opening or shifting the TASMACH Shop No.2868 at Mahatma Gandhi Street, Bairnathm Village, Pappireddipatti Taluk, Dharmapuri District.



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3. The learned Counsel for the petitioner would submit that the petitioner had filed a representation wherein it has been indicated that the proposed TASMACH Shop No.2868 at Mahatma Gandhi Street, Bairathm Village, Pappireddipatti Taluk, Dharmapuri District, falls within the restricted area in terms of Section 8 of the TASMACH Act, 2003.

4. At the outset, Mr.M.Ramesh, learned Standing Counsel for TASMACH who takes notice for the Respondent Nos.2 & 4 would submit that the representation of the petitioner dated 26.10.2024 would be considered by the Respondents and orders passed within a period of 6 weeks from the date of receipt of a copy of this order.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the Respondent to consider the petitioner's representation dated 26.10.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner and any other interested persons/stake holders, within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the



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representation and it is open to the concerned respondent to consider the

representation on its own merits and in accordance with law.

6. With the above directions, the writ petition stands disposed of. No

costs.

19.11.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

MSM

To:

1.The Secretary to Government
The State of Tamil Nadu
Home, Prohibition and Excise Department
Fort St. George
Chennai- 600 009.

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Tamil Nadu State Marketing Corporation Limited
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MOHAMMED SHAFFIQ, J.

MSM

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