



WEB COPY



W.P. No.36037 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.36037 of 2024
and W.M.P.Nos.38919 & 38921 of 2024

Saravanan

... Petitioner

Vs.

1.The Principal Secretary to Government
Home Prohibition & Excise Department,
Secretariat, Chennai 600 009.

2.The Managing Director,
Tamilnadu State Marketing Corporation
Limited (TASMAC)
CMDA Tower II, IV Floor,
Gandhi Irwin Bridge Road, Egmore,
Chennai 600 008.

3.The District Manager
Chennai Central,
Tamilnadu State Marketing Corporation
Limited(TASMAC)
Plot No-B4, Industrial Estate, Ambattur
Chennai 600 053.

4.The District Collector
Office of the District Collector
Sigaravelar Maaligai, 62 Rajaji Salai
Chennai 600 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order by the 3rd respondent dated 21.11.2024 in Na.Ka.No.A3/438/2024 and quash the same and further direct the respondents re-open the above mentioned liquor retail shop.

For Petitioner	: Mr.V.C.Janarthanan for Mr.S.Kasirajan
For Respondents 1, 4	: Mr.P.Balathandayutham, Spl. Government Pleader
For Respondents 2, 3	: Mr.K.Sathish Kumar Standing Counsel

ORDER

The present writ petition is filed challenging the impugned proceedings dated 21.11.2024 whereby the TASMAL shop bearing Shop No.438.

2. It is submitted by the learned counsel for the petitioner that licence was issued for running the bar for a period from 09.02.2024 to 31.12.2025. While so, vide impugned proceedings dated 21.11.2024 the Tasmal Shop was closed. It was submitted that the closure of the TASMAL shop before the expiry of the



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licence period would have serious consequences of petitioner's right to run the bar attached to the said Tasmac Shop in terms of the licence. It is further submitted that the impugned order closing the TASMACH shop made on the basis of a proceedings of the District Collector dated 21.11.2024 suffers from violation of natural justice inasmuch as the petitioner was never heard by the District Collector before deciding to close the TASMACH shop.

3. It is also submitted by the learned counsel for the petitioner that the copy of Order of the District Collector dated 25.08.2024 was furnished only during the previous hearing and would submit that the District Collector has passed the order without issuing notice to the petitioner which vitiates the impugned proceedings and would place reliance upon the order of this Court in W.P.No.21006 of 2024 dated 03.09.2024 in support thereof.

4. Mr.K.Sathish Kumar and Mr.P.Balathandayutham, learned standing counsel and learned Spl. Government Pleader appearing on behalf of respondents 2, 3 and 1 and 4 would submit that the District Collector would pass orders afresh after affording the petitioner a reasonable opportunity of hearing.

5. Recording the said submissions, the impugned order is set aside. The



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District Collector shall issue notice within a period of **two weeks** from the date of receipt of a copy of this order. It is open to the petitioner to submit a representation within a period of **two weeks** thereafter and order shall be passed within a period of **six weeks** from today after affording the petitioner a reasonable opportunity of hearing.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

28.11.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To

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MOHAMMED SHAFFIQ, J.

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