



W.P. No.38995 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.38995 of 2024

S.Desingu

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd (TASMAC),
CMDA Tower-II, 4th Floor,
Egmore, Chennai 600 008.
- 2.The Chief General Manager, (Retail Vending),
Tamil Nadu State Marketing Corporation Ltd (TASMAC),
CMDA Tower-II, 4th Floor,
Egmore, Chennai 600 008.
- 3.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd (TASMAC),
No.19, Gandhi Nagar,
Pon Nagar, Trichy 620 001.
- 4.The Superintendent of Police,
Collector Office Road,
Moovendar Nagar,
Villupuram 605 602.
- 5.The District Manager (Villupuram),
Tamil Nadu State Marketing Corporation Ltd (TASMAC),
No.59A, Compartment No.II,
Tamilnadu Ware Housing Corporation,
Chennai Trunk Road,



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Villupuram 605 602.

WEB RELEASE

6. The Commissioner,
Commissionerate of Prohibition and Excise,
2nd Floor, Ezhilagam Building,
Chepauk, Chennai 600 005.

7. The District Collector,
Collectorate Office Road, Moovendar Nagar,
Villupuram 605 602.

... Respondents

*(R7-Suo-motu impleaded vide order
dated 21.12.2024 by MSQJ in
W.P.No.38995 of 2024)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 23.09.2024 and consequently direct them to permanently close the two TASMALC shops situated at Villupuram District, Gingee Taluk, Jayankondan Village in TASMALC Shop No.11426 and TASMALC Shop No.11601 or to shift them to some other authorized places, within a period fixed by this Court.

For Petitioner : Mr.M.Elumalai for
Mr.E.Balamurugan

For Respondents : M/s.V.S.Saranya,
Standing Counsel (TASMALC)
for R1, R2, R3 and R5.
Mr.P.Balathandayutham,
Special Government Pleader for R6, R7.



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ORDER

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The present writ petition is filed praying for a writ of mandamus, directing the respondents to consider the representation dated 23.09.2024 wherein the petitioner has submitted that the proposed liquor outlet is situated within the restricted distance in terms of Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 from Educational Institutions, Religious Institutions and a residential premise.

2. It is submitted by the learned counsel for the petitioner that a representation was submitted on 23.09.2024, requesting the respondents to close / shift the two TASMALC shops bearing Nos.11426 and 11601. However, the same is yet to be considered, hence the present writ petition has been filed praying for a direction to consider and dispose of the representation.

3. It is submitted by the learned counsel for the respondents that the District Collector, Villupuram is the appropriate authority to consider the representation.

4. In view thereof, the District Collector, Villupuram is *suo motu*



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impleaded as a party. It is open to the petitioner to submit a representation before the District Collector. If any such representation is made, the same would be considered and orders would be passed in accordance with law after affording the petitioner a reasonable opportunity of hearing 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 representation, the concerned authority shall consider the representation on its own merits and in accordance with law.

5. Accordingly, the writ petition stands disposed of. There shall be no order as to costs.

21.12.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

shk



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MOHAMMED SHAFFIQ, J.

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