



W.P.(MD) No.924 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.924 of 2024
and
W.M.P.(MD) No.947 of 2024**

S.Rajarethinam

... Petitioner

-VS-

1.The District Collector
Sivagangai District

2.The Regional Manager (TASMAC)
Madurai Region
Plot No.100, Annanagar
Madurai 20

3.The District Manager (TASMAC)
Tamil Nadu State Marketing Company
Narikuravar Colony
Thondi Road
Palamalai Nagar
Soorakulam Village
Sivagangai District



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4.The President
Kattenipatti Panchayat
Sivagangai District

5.Packiyam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent to consider the people's objection by representations dated 10.09.2023 and 29.12.2023 from opening a new TASMAC shop by the third respondent in the agricultural land in S.No.159/2B2C2 in Kattenipatti Village, Sivagangai Taluk, Sivagangai District, belongs to the 5th respondent and to pass an appropriate order thereon, after giving hearing opportunity to the petitioner and the residents of Kattenipatti Village, Sivagangai Taluk.

For Petitioner :Mr.S.Saravana Kumar

For R1 : Mr.P.Thilak Kumar
Government Pleader

For R2 & R3 : Mr.H.Arumugam
Standing Counsel



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The relief sought for in the present writ petition is to direct the first respondent to consider the people's objection by representations dated 10.09.2023 and 29.12.2023 from opening a new TASMAL shop by the third respondent in the agricultural land in S.No.159/2B2C2 in Kattenipatti Village, Sivagangai Taluk, Sivagangai District, belongs to the 5th respondent and to pass an appropriate order thereon, after giving due opportunity to the petitioner and the residents of Kattenipatti Village, Sivagangai Taluk.

2. By consent of both parties, this Writ Petition is taken up for final disposal.

3. The learned counsel for the petitioner submits that the petitioner has sent representations dated 10.09.2023 and 29.12.2023 to the first respondent namely the District Collector, Sivagangai District in which the petitioner requested to consider the people's objection from opening a new TASMAL shop



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by the third respondent. The said representations are still pending with the District Collector. The learned counsel refers to Rule 8(3) of Tamil Nadu Liquor Retail Vending (in Shops & Bars) Rules 2003 stating that the respondents shall not open the TASMAC shop in the aforesaid locality.

4. Mr.P.Thilak Kumar, learned Government Pleader appearing for the first respondent, on instructions, submitted that so far the District Collector, Sivangai District has not passed any final order in that representations of the petitioner.

5. We have given our anxious consideration to the submissions made on either side and perused the materials available on record.

6. In view of the aforesaid submissions, referring Rule 8(3) of Tamil Nadu Liquor Retail Vending (in Shops & Bars) Rules 2003, the respondents shall not open the said TASMAC Shop till final orders are passed by the District Collector, Sivagangai District.



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7. In fine, this Writ Petition stands disposed of with the above said direction. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

12.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
msa

To:

The District Collector
Sivagangai District



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and
R.VIJAYAKUMAR, J.

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