



W.P.(MD) No.3878 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM:

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

**W.P.(MD) No.3878 of 2024
and W.M.P.(MD) No.3758 of 2024**

R.Senthilkumar

... Petitioner

-vs-

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 005.
- 2.The Commissioner,
Prohibition and Excise Department,
Kannappar Thidal,
Periyamat,
Chennai – 600 003.
- 3.The Managing Director,
Tamilnadu State Marketing Corporation (TASMAC) Limited,
Gandhi Irvin Bridge Road,
Egmore, Chennai – 600 008.
- 4.The District Collector,
O/o. the District Collector,
Madurai,
Madurai District – 625 020.



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5.The Assistant Commissioner (Excise),
District Collectorate Complex,
Madurai – 625 020.

6.The Senior Regional Manager,
Tamilnadu State Marketing Corporation (TASMAC) Limited,
Plot No.10, Anna Nagar,
Madurai – 625 020.

7.The District Manager,
Tamilnadu State Marketing Corporation (TASMAC) Limited,
4th Floor, SIPCOT,
Kappaloor, Madurai South,
Madurai District – 625 008.

8.The Inspector of Police,
Perungudi Police Station,
Thirupparankundram,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to shift the TASMAC Shop No. 5228 is situated in Door No.104/3, Thottiyapatti village, Periya Alangulam Village Panchayat, Thirupparankundram Taluk, Madurai District to some other place based on the petitioner's representation dated 09.02.2024 and also based on the resolution dated 10.01.2024 passed by the Valayapatti Village Panchayat.

For Petitioner : Mr.B.Chakkaravarthi

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1, R2, R4 and R5



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Mr.H.Arumugam,
Standing Counsel for R3, R6 and R7

Mr.S.S.Madhavan,
Government Advocate (Crl. Side) for R8

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to shift the TASMACH Shop No. 5228 is situated in Door No.104/3, Thottiyapatti village, Periya Alangulam Village Panchayat, Thirupparankundram Taluk, Madurai District to some other place based on the petitioner's representation dated 09.02.2024 and also based on the resolution dated 10.01.2024, passed by the Valayapatti Village Panchayat.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.

3. According to the petitioner, he made a representation dated 09.02.2024 to the respondents to shift the TASMACH Shop No.5228, functioning in Door No.104/3, Thottiyapatti Village, Periya Alangulam Village Panchayat,



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Thirupparankundram Taluk, Madurai District, to some other place, since it is functioning near the Valayapatti Toll Plaza and since the same has not been considered so far, the petitioner is constrained to approach this Court by filing the present Writ Petition.

4. According to the learned counsel for the petitioner, though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the fourth respondent to consider the representation of the petitioner dated 09.02.2024 on merits and in accordance with law.

5. Considering the limited scope of the prayer now sought for by the petitioner, without going into the merits of the claim made by the petitioner either in the Writ Petition or in the representation, this Court directs the fourth respondent to consider the representation of the petitioner dated 09.02.2024 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity of hearing to the petitioner.



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6. With the aforesaid directions, the Writ Petition stands disposed of.

No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
21.02.2024

Index : Yes / No

Internet : Yes / No

SJ

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 005.

2.The Commissioner,
Prohibition and Excise Department,
Kannappar Thidal,
Periyamat,
Chennai – 600 003.

3.The District Collector,
O/o. the District Collector,
Madurai,
Madurai District – 625 020.

4.The Assistant Commissioner (Excise),
District Collectorate Compex,
Madurai – 625 020.



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6.The Inspector of Police,
Perungudi Police Station,
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