



W.P.(MD) No.5019 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.5019 of 2024

and

W.M.P(MD)No.4801 of 2024

G.Ravikumar

... Petitioner

Vs.

1. The District Collector
District Collector Office,
Virudhunagar District, Virudhunagar.
2. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Thiruvavarur District, Thiruvavarur.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Tahsildar,
Vembakottai Taluk Office,
Vembakottai Taluk,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 26.09.2023 and close the



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TASMAC Shop situated at Survey No.455 in Sippiparai Village
Vembakottai Taluk, Virudhunagar District.

For Petitioner	:Mr.T,Sekar
For R-1 & R-4	:Mr.P.Thilak Kumar, Government Pleader
For R-3	:Mrs.M.Aasha, Government Advocate(Crl. Side)
For R-2	:Mr.H.Arumugam

ORDER

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

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 26.09.2023 and close the TASMAC Shop situated at Survey No.455 in Sippiparai Village Vembakottai Taluk, Virudhunagar District.

2.Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 and 4, Mr.H.Arumugam, learned Standing Counsel, takes notice for the second respondent and Mrs.M.Aasha, learned Government Advocate(Crl. Side), takes notice for the third respondent.



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3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The learned Standing Counsel for the 2nd respondent submitted that the petitioner is having an alternative remedy before the appellate authority, namely, Commissioner, Prohibition and Excise Department under Section 9(A) (1) of Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003 and without exhausting such alternative remedy, he has approached this Court. Therefore, this Writ Petition is not maintainable.

5.Considering the fact that the petitioner is having an alternative remedy before the appellate authority, we are inclined to permit the petitioner to file an appeal before the appellate authority, namely, Commissioner, Prohibition and Excise Department, within a period of two weeks from the date of receipt of a copy of this order. If the appeal is filed within the time stipulated above, the Commissioner, Prohibition and Excise Department, is directed to consider the same and pass appropriate orders on merits and in accordance with law, as early as possible, preferably, within a period of four weeks thereafter.



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6. With the above direction, this Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[P.D.B., J.]

04.03.2024

Index : Yes/No
NCC : Yes/No

PM

To:

1. The District Collector
District Collector Office,
Virudhunagar District, Virudhunagar.
2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Tahsildar,
Vembakottai Taluk Office,
Vembakottai Taluk,
Virudhunagar District.



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and
P.DHANABAL, J.

PM

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