



W.P.(MD) No.13103 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

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**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**W.P.(MD) No.13103 of 2019**

**and**

**W.M.P.(MD)Nos.9773 and 9774 of 2019**

K.Chellapandian

... Petitioner

Vs.

1.The District Collector,  
Tirunelveli,  
Tirunelveli District.

2.The Superintendent of Police,  
Tirunelveli,  
Tirunelveli District.

3.The Revenue Divisional Officer,  
Tenkasi,  
Tirunelveli District.

4.The District Manager,  
Tamil Nadu State Marketing  
Corporation Ltd., (TASMAC),  
Tirunelveli,  
Tirunelveli District.

5.Anandharaj

6.Mathivanan

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorari, calling for the records of the impugned



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order passed by the first respondent in Na.Ka.No.X.2/54888/2018, dated 11.03.2019 and quash the same.

For Petitioner : Mr.P.Ranjithraja  
For R1 and R3 : Mr.G.Suriyananth  
Additional Government Pleader  
For R2 : Mr.S.Manikandan  
Government Advocate (Criminal side)  
For R4 : Mr.S.Sivanesan  
Standing Counsel  
For R6 : No Appearance

### **ORDER**

This Writ Petition has been filed seeking to quash the impugned order of the first respondent in Na.Ka.No.X.2/54888/2018, dated 11.03.2019.

2. It is informed by the learned counsel for the petitioner that the petitioner has died during the pendency of the present Writ Petition.

3. The fourth respondent has, however, filed a counter affidavit. In the counter affidavit, it has been stated as follows:-



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*"4.I submit that at the outset, it is submitted that the TASMAL shop No. 10666 was situated at Door No 88 Kalugumalai Road, Gandhinagar 4<sup>th</sup> Street, Sankarankovil, Tirunelveli District. Further the same was shifted to the present place more fully Door No.78, Survey No.919/6, Chellapandithottam, Vadugapatti, Rayagiri, Sivagiri Taluk, Tirunelveli District as per the orders passed by District Collector in Na.Ka.No.2/38066/2018 dated 17.10.2018 and the same was run without any disturbances. However for the illegal gains and illegal enrichment and also due to political motives, one Mr.Anantharaj and Mathivanan / 5<sup>th</sup> and 6<sup>th</sup> respondents herein, have organized some illegal demonstrations to close the above said shop.*

*5. While matters stood thus, the District Collector passed proceedings in Na Ka No.X2/54888/2018 dated 11.3.2018 stating that as per the report submitted by the Revenue Divisional Officer, Tenkasi, and continued public agitation, and also to ensure peace in the locality, the said shop can be temporarily closed till further orders. Thus the said shop is now closed. In fact the said shop was located in the said place after following all the provisions contained in Section 8 (1) of Tamil Nadu Liquor Retail Vending (in bars and shops) Rules 2003 and following all the procedures more fully the guidelines issued by the Hon'ble Apex Court as well as our Hon'ble High Court from time to time.*

*6. I further submit that there are no violations whatsoever in establishing the said shop. Thus there is no illegality or irregularity in establishing the said shop. Further, now the said shop is closed as per the orders passed by the District Collector/1<sup>st</sup> Respondent."*



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4. The deceased petitioner is the owner of the building in which, the fourth respondent had opened the Tasmac Shop. It appears that the respondents 5 and 6 had galvanized public protest, pursuant to which, the Tasmac Shop located in the petitioner's building was closed based on the report of the Revenue Divisional Officer, the third respondent herein.

5. However, the fourth respondent in his counter affidavit has stated that the Tasmac Shop was located complying with the provisions of Rule 8 (1) of Tamil Nadu Liquor Retail Vending (In Bars and Shops) Rules, 2003 and following all the procedures and the guidelines issued by the Hon'ble Supreme Court from time to time. The fourth respondent has also stated that there is no illegality or irregularity in establishing the said Shop.

6. In view of the above, this Writ Petition deserves to be allowed. Accordingly, the impugned order of the first respondent, dated 11.03.2019, is quashed. The fourth respondent is directed to enter into a fresh lease agreement with the legal representatives of the deceased petitioner K.Chellapandian and regularize the lease with them.



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7. This Writ Petition stands allowed accordingly. No costs.

Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/ No  
Neutral Citation: Yes / No  
smn2

16.04.2024

To

- 1.The District Collector,  
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Tirunelveli District.
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**C.SARAVANAN, J.**

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