



W.P.(MD) No.13134 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13134 of 2024

and

W.M.P.(MD) No.11637 of 2024

S.Sathish Kumar

... Petitioner

-VS-

1.The District Collector
Theni District, Theni

2.The Deputy Collector /
The District Manager
Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Karuvelnaikkanpatty
Theni – 625 531, Theni District

3.The Thashildhar
Bodinayakkanur Taluk
Theni District

4.The President
Boodipuram Panchayat
Boodinayakkanur
Theni District

5.The Supervisor
Shop No.8612
Boodhipuram
Theni District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fifth respondent to act upon the proceedings of the second respondent in Na.Ka.No.023/2023/A3 dated 14.02.2024 and shift the fifth respondent TASMAL Shop 2 kilometres away from the present place by considering the petitioner's representation dated 26.04.2024 and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 to R4
Mr.A.Sivanesan for R5

ORDER

R.MAHADEVAN, A.C.J.

And

G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner, learned Government Pleader for the respondents 1 to 4 and learned counsel for the fifth respondent.

2. The petitioner wants this Court to direct the respondents to relocate the petition mentioned liquor shop.



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3. When the matter was taken up for hearing, it was submitted that one Sankar had earlier filed W.P.(MD)No.9675 of 2022 for similar relief. Pursuant to the directions given by the Division Bench of this Court *vide* order dated 11.05.2022, his request was considered and rejected. Copy of the communication bearing Na.Ka.No.552/2022 dated 05.07.2022 passed by the second respondent, was produced before us. Since a rejection order had already been passed, a writ of mandamus will not lie. We grant liberty to the petitioner to challenge the same in the manner known to law.

4. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., A.C.J.]

[G.R.S., J.]

19.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk / ias



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The District Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Karuvellaikkanpatty,
Theni – 625 531,
Theni District.
- 3.The Thashildhar,
Bodinayakkanur Taluk,
Theni District.
- 4.The President,
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Bodinayakkanur,
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