



W.P.(MD).No.21006 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.21006 of 2024

and

W.M.P.(MD).Nos.17791 and 17792 of 2024

S.Sangiah

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy District.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd (TASMAC),
Trichy District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the second respondent vide in Na.Ka.No.864/2020/C.V.5(1), dated 30.08.2024 and quash the same as illegal and unconstitutional and consequently direct the second respondent to permit the petitioner to continue his business of running the Bar attached to the TASMAC shop No.10377 at Thiruverumbur, Trichy as usual.



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For Petitioner : Mr.Palanivelrajan
Senior Advocate
For R-1 : Mr.J.K.Jayaselan
Government Advocate
For R-2 : Mr.S.Sivanesan
Standing Counsel

ORDER

The present Writ Petition is filed challenging the impugned order passed by the second respondent dated 30.08.2024, whereby, the TASMAC shop was ordered to be closed inasmuch as there was resistance/objection by the residents belonging to the nearby Kakkan Colony and they were insisting on relocating the TASMAC shop.

2. A peace committee meeting was convened and thereafter, the second respondent had decided to pass the impugned order, whereby, the TASMAC shop bearing No.10377, which was functioning at Thiruverumbur, Trichy District, was closed. This order is now sought to be challenged by the petitioner, who has been granted a license to run a bar attached to the said TASMAC shop. The learned counsel for the petitioner submits that the second respondent does not have any authority in terms of the Liquor Vending Rules to close down the TASMAC shop. Instead, the authority to close down or relocating the shop is only with the District Collector, the first respondent herein.



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3. The learned counsel for the respondents, on instructions, would also submit that the authority is only with the District Collector in relocating or closing a TASMAL shop and thus, the impugned proceedings is passed without jurisdiction.

4. In view thereof, the impugned order passed by the second respondent dated 30.08.2024 is set aside and the Writ Petition is allowed. At this juncture, the learned counsel for the petitioner as well as the learned counsel for the respondents would submit that the District Collector would look into the issue and take appropriate action in accordance with law after putting the petitioner on notice. It is submitted by the learned Government Advocate for the first respondent that the District Collector would hear the petitioner and other stakeholders/interested parties on 09.09.2024 at 11.00 AM, which was agreed to by the learned counsel for the petitioner. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

03.09.2024

Index : Yes / No
Internet : Yes/ No
Lm

Note: Issue order copy by 05.09.2024.



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To
The District Collector,
Office of the District Collector,
Trichy District.



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MOHAMMED SHAFFIQ, J.

Lm

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