



W.P.(MD) No.25778 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.P.(MD) No.25778 of 2024
and**

W.M.P.(MD) Nos.21844 & 21846 of 2024

S.Bose

... Petitioner

-VS-

1.The Managing Director
Tamil Nadu State Marketing
Corporation Ltd.,
CMDA Tower-II, IV Floor
Gandhi Irwin Bridge Road
Egmore
Chennai-600 008

2.The District Collector
Office of the Collector
Sivagangai District

3.The District Manager
The Tamil Nadu State



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WEB COM Marketing Corporation
Limited (TASMAC)
Narikuruvar Colony
Thondi Road
Palamalai Nagar
Soorakulam Village
Sivagangai

4.The Tahsildar
Devakottai Taluk
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order made in Na.Ka.No.A2/2024/2024 dated 25.09.2024 passed by the third respondent, quash the same and further forbearing the respondents from establishing the TASMAC liquor shop in the building situate at Settyendhal Village, Ponnalikkottai Panchayat, Sarugani Post, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.V.S.Kumara Guru

For Respondents : Mr.H.Arumugam
Standing Counsel for R1 & R3
Mr.P.Thilakkumar
Government Pleader for R2 & R4

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]



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Petitioner is challenging a communication / order dated 25th September, 2024, passed by respondent No.3 permitting establishment of a Tasmac Liquor Shop in a building at Settyendhal Village, Ponnalikkottai Panchayat, Sarugani Post, Devakottai Taluk, Sivagangai District.

2. The impugned order / communication is pursuant to an order passed by respondent No.2 – the District Collector on 22nd July, 2024, by which order, respondent No.2 has approved the location for setting up the business of liquor vending. That order has not been challenged in this petition. The impugned order is only a consequence of that order dated 22nd July, 2024, passed by respondent No.2. Counsel for petitioner states that another villager, by the name, Palanisamy had filed a petition being W.P.(MD) No.14317 of 2024, which was disposed of by an order dated 02nd July, 2024. Counsel states that in the said order, there is a direction to respondent No.2 to consider the objection, that the said Palanisamy had submitted on 01st March, 2024, before granting of approval in view of Rule 8(3) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. Counsel for petitioner states that the representation has not been considered. If that was so, the said Palanisamy would have approached this Court and not the petitioner herein.



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3. At this stage, counsel for petitioner sought leave to withdraw the petition with liberty to challenge the order dated 22.07.2024 or persuade the said Palanisamy to approach this Court.

4. Petitioner may do so, but, the same will be considered by the Court in accordance with law. We express no opinion.

5. Writ petition is dismissed accordingly. There shall be no order as to costs. Consequently, interim applications stand dismissed.

[K.R.SHRIRAM., C.J.]

[MOHAMMED SHAFFIQ,

J.]

28.10.2024

NCC : Yes / No

Index : Yes / No

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Office of the Collector,
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2.The Tahsildar,
Devakottai Taluk,
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