



W.P(MD)No.28283 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.28283 of 2024

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... Petitioner

vs.

1. The Commissioner of Prohibition and Excise,
Chepauk, Chennai.

2. The District Collector,
Kanyakumari District,
Nagercoil.

3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC), Kanyakumari District,
Nagercoil.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to remove the TASMAC shop bearing No.4703, situated at Thammathukonam, Erumbukadu Post, Kanyakumari District, by considering petitioner's appeal dated 08.07.2024.

For Petitioner : Ms.M.Nandhini Priyadharshini
For R1 & R2 : Mr.P.Thilakkumar, Government Pleader
For R3 : Mr.S.Sivanesan, Standing Counsel



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ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus, directing the 1st respondent to remove the TASMAL shop bearing No.4703, situated at Thammathukonam, Erumbukadu Post, Kanyakumari District, by considering petitioner's appeal dated 08.07.2024. Earlier, the petitioner has approached this Court by filing W.P(MD)No.10192 of 2024, seeking the very same prayer and this Court, by order dated 25.04.2024, has disposed of the said writ petition, directing the petitioner to avail appeal remedy under Rule 9 of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003. Pursuant to the said direction of this Court, the petitioner has filed appeal dated 08.07.2024 to the 1st respondent seeking removal of the abovesaid TASMAL shop and the same has not been disposed of till date. Hence, this writ petition.



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3. Since the appeal is pending from 08.07.2024, we direct the 1st respondent to consider the petitioner's appeal dated 08.07.2024 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all concerned persons, within a period of thirty days from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of. No costs.

(M.S.R, J.) (A.D.M.C, J.)
27.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Commissioner of Prohibition and Excise,
Chepauk, Chennai.



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and
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2. The District Collector,
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Nagercoil.

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ORDER MADE IN
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