



WP(MD). No.29938 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD). No.29938 of 2024

S.Palanisamy

... Petitioner

Vs

**1. The Additional Chief Secretary
to Government,
Home, Prohibition and Excise Department,
St. Fort George,
Chennai 09.**

**2. The Commissioner,
Prohibition and Excise Department,
Chepauk,
Chennai 05.**

**3. The Managing Director,,
TASMAC
CMDA Tower 2nd Floor,
Egmore,
Chennai 08.**

**4. The District Collector,,
Karur District,
Karur..**

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 4th respondent to remove the TASMAL Shop No. 5069 situated at Nearby Chinnamanaickanpatti Junction, Mookanankurichi Village, Karur District by considering the petitioners representation dated 02.09.2024 as per amendment Rule 9 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 vide G.O.(Ms).No. 17 issued by the 1st respondent dated 13.02.2022 within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.V.Muthukamatchi
For Respondents : Mr.P.Thilak Kumar
Government Pleader

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. The petitioner has filed this writ petition for a mandamus to direct the 4th respondent to remove the TASMAL Shop No. 5069 situated at Nearby Chinnamanaickanpatti Junction, Mookanankurichi Village, Karur District by considering the petitioners representation



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dated 02.09.2024 as per amendment Rule 9 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 vide G.O.(Ms).No. 17 issued by the 1st respondent dated 13.02.2022 within a stipulated time as may be fixed by this Court.

3. In order to remove the TASMAC shop No. 5069 situated at Nearby Chinnamanaickanpatti Junction, Mookanankurichi Village, Karur District, the petitioner has given a representation to the respondents on 02.09.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this petition.

4. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 02.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and all other persons, within a period of three months 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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

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

12.12.2024

NCC : Yes/No

Index : Yes/No

RR



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ORDER
IN
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Date : 12/12/2024