



W.P(MD)No.29278 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29278 of 2023

and

W.M.P.(MD)No.25292 of 2023

and

W.M.P.(MD)No.2686 of 2024

S.Mubarak Ali

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Superintendent of Police,
Theni District, Theni.

3.The Inspector of Police,
Vadakarai,
Periyakulam Taluk,
Theni District.

4.Jolly Manamahil Mandram,
Represented by its Secretary,
Ward No.6, V.R.B. Street,
Vadakarai Village,
Periyakulam Taluk,
Theni District.

... Respondents



W.P(MD)No.29278 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the Official Respondents from opening / establishing the Recreation Club, of the 4th respondent herein and its bar situated at Ward No.6, V.R.B. Street, Vadakarai Village, Periyakulam Taluk, Theni District by considering the petitioner's representation dated 19.10.2023 within the period stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail,
For M/s.Ajmal Associates.

For Respondents : Mr.K.Selvaganesan,
Addl. Government Pleader for R1 to R3.
Mr.S.Ramsundarvijayaraj for R4.

ORDER

Heard both sides.

2.The writ petition is for forbearing the fourth respondent from opening their recreation club in the petition mentioned premises.

3.The case of the petitioner is that he had already given his objections and that the District Collector had not passed order on the said objections. My attention was drawn to the Proviso to Rule 8(3) of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003. Finding merit in the said contention,



W.P(MD)No.29278 of 2023

I granted interim injunction on 12.12.2023. Today, when the matter was taken up for hearing, the learned Additional Government Pleader as well as the learned counsel for the private respondent pointed out that permission in favour of the fourth respondent was given as early as on 02.11.2022. The petitioner admittedly gave his objection only on 16.11.2023. When the objection was received only after grant of approval, the question of invoking the aforesaid Rule does not arise at all. The legal basis on which the challenge is mounted has been found to be unsustainable. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The District Collector,
Theni District,Theni.
- 2.The Superintendent of Police,
Theni District, Theni.
- 3.The Inspector of Police,
Vadakarai, Periyakulam Taluk,
Theni District.



WEB COPY



W.P(MD)No.29278 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.29278 of 2023

04.03.2024