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W.P.No.28741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.28741 of 2023

and

W.M.P.Nos.28316 and 28318 of 2023

Mr.Radhakrishnan

... Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Commissioner,
Prohibition and Excise Department,
Cheppakkam, Chennai – 05.
3. The Managing Director,
Tamil Nadu State Marketing Limited,
CMDA Building,
Tower-II, Gandhi Irwin Bridge Road,
Egmore, Chennai – 8.
4. The District Collector,
Tiruppur District, Tiruppur.
5. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Coimbatore.



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6. The District Manager,
Tamil Nadu State Marketing Corporation,
Tiruppur.

7. The Commissioner,
Udumalaipettai Municipality,
Tiruppur District.

8. M.Arasakalai

... Respondents

[8th respondent impleaded vide Order dated 18.09.2025 made
in W.M.P.No.4127/2024 in W.P.No.28741/2023)

Writ Petition filed under Article 226 of the Constitution of India, for
issuance of a Writ of Certiorarified, calling for the records of the 6th respondent
in Proceedings No.ந.க.எண்.859/2023/அ4 dated 15.09.2023 and quash the
same by restraining the respondents herein or their men or agent from shifting
the TASMAL outlet bearing Shop No.2009 along with bar located at 2H/2
Anusham Nagar, Udumalaipet, Tiruppur District to the Survey No.125A, Plot
No.5, Yashodha layout, Ramalingam Nagar, Udumalaipet, Tiruppur District.

For Petitioner : Mrs.Rita Chandrasekhar
For M/s.R.Meenakshi

For R1, R2, R4 & R7 : Mr.P.Balathandayutham
Special Government Pleader



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ORDER

With the consent of the learned counsel for the petitioner and learned Special Government Pleader for the respondents, this Writ Petition is being disposed of at the time of admission.

2. In this Writ Petition, the petitioner has challenged the impugned Order dated 15.09.2023 passed by the 6th respondent namely the District Manager, TASMAL, Tiruppur.

3. The designation of the authority who signed the impugned order has been stated to be District Manager / Deputy Collector, Tasmac Limited, Tiruppur.

4. Both the learned counsel for the petitioner and the learned Special Government Pleader for the respondents confirmed that the 6th respondent is indeed the District Manager, TASMAL, Tiruppur.

5. The petitioner is the owner of the property in 2H/2, Anusham Nagar, Udumalaipettai, Tiruppur District, where the Tasmac Shop No.2009 is located.



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Earlier, a bar attached with Tasmac Shop No.2013 was running in the petitioner's land. Later, in 2019, the shop and bar was shifted to present location.

6. The petitioner appears to have entered into an agreement with the 6th respondent on 02.03.2020. The private respondent No.8 namely M.Arasakalai who was impleaded by this Court by Order dated 18.09.2025 along with 2 others namely S.Sridhar and G.Selvaraj had approached this Court before the Hon'ble First Bench in W.P.No.21580 of 2023 by way of public litigation.

7. In the said Writ Petition No.21580 of 2023, the petitioner was not made as a party to the proceedings. However, the prayer in the writ petition was for shifting the aforesaid Tasmac Shop No.2009, which is running on the petitioner's land.

8. The Hon'ble First Bench, by its Order dated 24.07.2023, gave a liberty, specifically, to the private respondents namely M.Arasakalai / 8th respondent herein and two other petitioners in the aforesaid Writ Petition No.21580 of 2023 to approach the 4th respondent namely the District Collector, Tiruppur, in



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this regard under Rules 8 and 9 of the Tamil Nadu Liquor Retail Vending (Shops and Bars) Rules, 2003 and thus, the said Writ Petition No.21580 of 2023 was dismissed with the above liberty.

9. Meanwhile, the petitioner had also approached this Court in W.P.No.24452 of 2023 for a mandamus to restrain the respondents therein from shifting the Tasmac Shop No.2009 along with bar.

10. This Court, by an Order dated 18.08.2023, had disposed of the said Writ Petition No.24452 of 2023 at the time of admission, without expressing any opinion on the merits of the case by directing the 6th respondent therein namely the District Manager, TASMAL, Tiruppur, to consider and pass appropriate orders on the representation dated 02.08.2022 of the petitioner.

11. The Order that was passed by the Hon'ble First Bench by Order dated 24.07.2023 in W.P.No.21580 of 2023 filed by M.Arasakalai / 8th respondent herein along with 2 others namely S.Sridhar and G.Selvaraj was not brought to the attention of the Court when the Court passed the Order dated 18.08.2023 in Writ Petition No.24452 of 2023 directing the 6th respondent herein to consider



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and pass orders on the aforesaid representation of the petitioner. Pursuant to the same, the impugned Order dated 15.09.2023 has been passed by the 6th respondent herein.

12. In fact, the 4th respondent namely the Managing Director, TASMAC, Chennai, by a communication dated 03.10.2023, has delegated the authority to the 6th respondent / District Manager, TASMAC, Tiruppur, to pass orders based on the 8th respondent representation dated 05.07.2023 presumably in the light of the Order dated 18.08.2023 in W.P.No.24452 of 2023.

13. Although arguments were advanced on either side i.e. on behalf of the petitioner and on behalf of the respondents on merits by imputing malafide on the part of the 6th respondent in passing the impugned order at the behest of the 8th respondent and few others stating that the 8th respondent was running a bar, and since the Tasmac Shop No.2009 and the Bar attached thereto had resulted in a fall in the revenue in the bar run by the 8th respondent, it is evident that the Order that has been passed by the 6th respondent is contrary to the directions of the First Bench in W.P.No.21580 of 2023 dated 24.07.2023 filed by the 8th respondent and 2 others.



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14. Para 4 of the aforesaid Order dated 24.07.2023 in W.P.No.21580 of 2023 is reproduced hereunder:

“4. If the petitioners have any grievance with regard to the location of the TASMACH shop, the petitioners can approach the District Collector in that regard under Rules 9 and 9 of the Tamil Nadu Liquor Retail Vending (Shop and Bars) Rules, 2003.”

15. Even if it is a policy decision to shift the shop from a particular location based on the directions of the Government dated 20.06.2024, the power has to be exercised only by the appropriate authority. The petitioner ought to have rectified the aforesaid Order dated 18.08.2023 in W.P.No.24452 of 2023 in the light of the Order dated 24.07.2023 passed by the First Bench in W.P.No.21580 of 2023.

16. Under these circumstances, the impugned order is set aside and the case is remitted back to the 4th respondent / District Collector, Tiruppur to pass orders a fresh in accordance with law.



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17. The private respondents in W.P.No.21580 of 2023 shall also be heard while passing the final orders.

18. With these directions, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

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Neutral Citation : Yes / No

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Commissioner,
Prohibition and Excise Department,
Cheppakkam, Chennai – 05.
3. The Managing Director,
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4. The District Collector,
Tiruppur District, Tiruppur.
5. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
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C.SARAVANAN, J.
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