



WEB COPY

WP No. 48029 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P. No. 48029 of 2025 and W.M.P. Nos.53637, 53641 & 53643 of 2025

SAKTHIVEL

Petitioner(s)

Vs

1. The Government Of Tamilnadu
Rep By Its Secretary, Prohibition,
Home And Excise Department, Fort
St.George, Chennai-600 009

2.The District Collector
Kancheepuram District

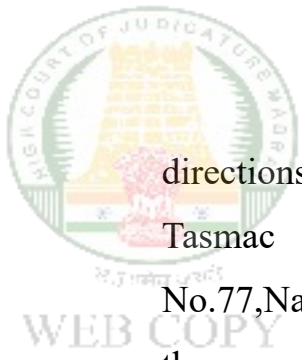
3.The Chairman Cum Managing
Director
Tamilnadu State Marketing Corporation
Ltd, 4th Floor, Thalamuthu Natarajan
Maligai, Egmore, Chennai-600 008

4.The District Manager(tasmac)
Kancheepuram (north)district,
Thirumzhisai Phase (3),
Chembarampakkam, Chennai-600 123

Respondent(s)

PRAYER

call for the records of the District collector (TASMAC) Kancheepuram District
the 2nd respondent herein culminating in Na.Ka.No.2022/2023/V1 dated
5.11.2025 and the subsequent proceedings of District Manager Tasmac,
Kancheepuram (North)District the 4th respondent herein in
Na.Ka.No.4035/A1/2025 dated 2.12.2025 and quash the same and further



directions to the 2nd to 4th respondents to drop all further action in shifting the Tasmac shop No.4035 from the petitioner premises at Door No.77,Nandambakkam village, Sriperumbudur Taluk, kancheepuram District to the proposed place Door No.56, Plot No.827, survey No.109/1 cini production Assistant Nagar, Pudupet village, Sriperumbudur Taluk, Kancheepuram District

For Petitioner(s): Mr T. Mohan, Senior Counsel
For Mr B.Sundarapandiyan

For Respondent(s): Mr Balathandayutham,
SGP For R1 & R2
Mr K.Balakrishnan
For R3 and R4

ORDER

This writ petition has been filed, challenging the impugned order dated 05.11.2025 passed by the second respondent and the subsequent proceedings dated 02.12.2025 passed by the fourth respondent.

2.Under the impugned orders, the TASMACH Shop bearing No.4035 has been directed to be shifted to another place for administrative reasons. The petitioner is the owner of the building in which the existing TASMACH Shop is located. The grievance of the petitioner is that without assigning any reason, the impugned orders have been passed by the respective respondents for shifting of his TASMACH Shop to another place.

3.Earlier, the petitioner had approached this Court by filing a writ petition objecting to the shifting of the TASMACH Shop since the objections raised by the



petitioner before the District Collector was not considered. An interim order was also passed by this Court in the said writ petition, pending disposal of the said writ petition restraining the respondents from shifting the shop, pending disposal of the enquiry proceedings based on the petitioner's representation objecting to the shifting of the TASMAC Shop. However, the respondents, thereafter claimed to have conducted an enquiry based on the petitioner's representation and had now passed the impugned orders, which are the subject matter of challenge in this writ petition, wherein the respective respondents have rejected the petitioner's objections for shifting of the TASMAC Shop. In the impugned orders, the reason given by the respondents for rejecting the petitioner's request is that due to administrative reasons, the TASMAC Shop of the petitioner has to be shifted to another place. They have referred to certain reports in the impugned order. The petitioner has challenged the impugned orders on the following grounds:

a)The second respondent has failed to see that there is no rule violation in opening the TASMAC Shop in the premises of the petitioner. Therefore, according to the petitioner, on the sole ground of administrative reasons, the TASMAC Shop cannot be shifted;

b)No field inspection was conducted by the respondents before passing orders for shifting of the petitioner's TASMAC Shop;

c)In the earlier order dated 03.03.2024 passed by the respondents for shifting of the petitioner's TASMAC Shop, it was stated that there is an



approach road, which is in bad condition and therefore, the public will be affected as there is a possibility of road accidents happening due to the approach road to the proposed place.

4.Learned Senior Counsel appearing for the petitioner drew the attention of this Court to the earlier order dated 03.03.2024 passed by the respective respondents as well as the impugned orders dated 05.11.2025 and 02.12.2025 and would submit that as seen from the same, the impugned orders are verbatim reproduction of the earlier order dated 03.03.2024 with minor modification. Therefore, he would submit that by a non-speaking order, without considering the objections raised by the petitioner and without giving reasons as to why the objections cannot be sustained, the impugned orders came to be passed. Hence, according to the leaned Senior counsel for the petitioner, the same have to be quashed by this Court.

5.Mr.Balathandayutham,, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mr.K.Balakrishnan, learned Standing Counsel accepts notice on behalf of the respondents 3 and 4. Learned Special Government Pleader appearing for the respondents 1 and 2 would submit that only after holding a proper enquiry, the impugned orders came to be passed, based on the reports received from the Revenue Divisional Officer and the Divisional Excise Officer.



6. As seen from the impugned orders, the said reports reflected in the impugned orders were not furnished to the petitioner to enable the petitioner to rebut the same. This Court also compared the earlier order dated 03.03.2024 passed by the respondents, which was the subject matter of the earlier writ petition as well as the impugned orders dated 05.11.2025 and 02.12.2025. As seen from the same, most of the paragraphs in the impugned orders, are verbatim reproduction of the earlier order dated 03.03.2024. In both the orders, the reasons given by the respondents, for shifting of the petitioner's shop to another place, are "administrative reasons". There is no reference to specific complaint given by the members of public against the petitioner's TASMACH Shop to compel the respondents to shifting the shop to another place. In the representation dated 04.12.2025 through which the petitioner had raised various objections for shifting of his TASMACH Shop and bar, which includes the following:

a) The petitioner had spent huge amount of money for setting up the TASMACH Shop and he will be put to irreparable loss and hardship if his shop is shifted to another place;

b) The approach road to the proposed TASMACH Shop is in a damaged condition, which may result in causing road accidents;

c) The petitioner's built up area is much larger than the built up area of the proposed TASMACH Shop;



d) There is a Government High School, Hospital and Bus Stand near the proposed TASMACH Shop, which may cause inconvenience to the public at large.

7. However, as seen from the impugned orders, the aforesaid objections raised by the petitioner have not been considered. In the impugned orders, there is no reference to the petitioner's objection letter dated 04.12.2025. Therefore, this Court is of the considered view that the impugned orders, being non-speaking orders, which have been passed in violation of principles of natural justice, have to be quashed and the matter has to be remanded back to the second respondent for fresh consideration, on merits and in accordance with law within a time frame to be fixed by this Court.

8. Accordingly, the impugned orders are quashed and the matter is remanded back to the second respondent for fresh consideration, on merits and in accordance with law and the petitioner shall submit a fresh representation to the second respondent stating objections as to why his TASMACH Shop should not be shifted, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent shall pass final orders, on merits and in accordance with law, after giving due consideration to the representation of the petitioner and after affording an opportunity of personal hearing to the petitioner within a period of four weeks



thereafter. However, it is made clear that if the petitioner fails to submit a fresh representation, as stated supra, within the stipulated time, the impugned order shall stand revived.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.Ps are closed.

09-12-2025

vga



To

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ABDUL QUDDHOSE J.

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