



W.P.(MD)No.12645 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12645 of 2025

Kalimuthukumar

: Petitioner

Vs.

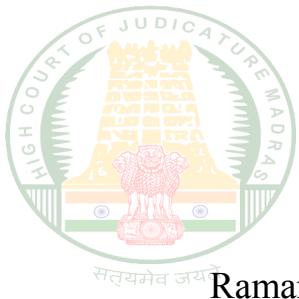
1. The Chairman,
TASMAC Ltd.,
Secretariat,
Chennai - 600 009.

2. The Chairman,
Tamilnadu Coastal Zone Management Authority,
Secretariat,
Chennai - 600 009.

3. The Managing Director,
O/o.TASMAC Ltd.,
CMDA Tower - II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

4. The Senior Regional Manager,
O/o.TASMAC Ltd. Madurai Region,
Plot No.100, Anna Nagar,
Madurai - 625 020.

5. The District Collector,
O/o. District Collector Office,



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Ramanathapuram,
Ramanathapuram District - 623 503.

6. The District Superintendent of Police,
O/o.District Superintendent of Police,
Ramanathapuram,
Ramanathapuram District - 623 503.

7. The District Manager,
O/o.TASMAC Ltd. Ramanathapuram District,
139, Master Plan Complex,
Madurai Rameswaram Road,
Sakkarakottai Village,
Ramanathapuram - 623 503.

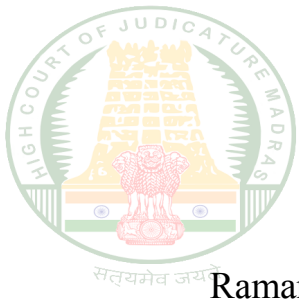
8. The Assistant Commissioner,
Prohibition and Excise Department,
Prohibition and Excise Department Office,
Collectorate,
Ramanathapuram,
Ramanathapuram District.

9. The Thasildar,
O/o.Thasildar Office,
Ramanathapuram Taluk,
Ramanathapuram District..

10. The Inspector of Police,
Mandapam Police Station,
Mandapam,
Ramanathapuram District - 623 519.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the fifth respondent not to approve any new TASMAC bar or to shift the Mandapam TASMAC bar No.6845 to locate in my properties in Survey Nos.288/2, 288/3 and 288/4 situated at Mandapam Village, Ramanathapuram Taluk,



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Ramanathapuram District by considering Petitioners representation dated 26.03.2025 and 11.04.2025.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.S.Sivanesan

for R3, R4 and R7

Mr.K.Gnanasekaran

Govt. Advocate (Crl. Side) for R6 & R10

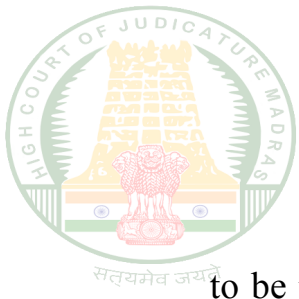
Mr.C.Venkatesh Kumar

Spl. Government Pleader for R5 & R9

ORDER

The present Writ Petition is filed for a Mandamus, directing the fifth respondent not to approve any new TASMAL bar or to shift the Mandapam TASMAL Bar No. 6845 to the petitioner's properties in Survey Nos. 288/2, 288/3, and 288/4, situated at Mandapam Village, Ramanathapuram Taluk, Ramanathapuram District, by considering the petitioner's representations dated 26.03.2025 and 11.04.2025.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed



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to be passed in this writ petition, notice to the respondents 1, 2 and 8 is dispensed with.

3. The petitioner alleges that certain unlawful purchasers, who acquired land from one of the legal heirs of his family, are attempting to establish a TASMAL bar shop in violation of Section 8(1) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. In this regard, he submitted representations dated 26.03.2025 and 11.04.2025 to the fifth respondent, requesting that no TASMAL shop shall be established within 100 meters of a place of worship. However, since no action has been taken, the petitioner has now filed the present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him 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



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Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the fifth respondent to consider the petitioner's representations dated 26.03.2025 and 11.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of six weeks from the date of receipt of a copy of this order. It is also 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 fifth respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

29.04.2025

Index : Yes / No

Internet : Yes / No

PKN

5/8



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VIVEK KUMAR SINGH, J.

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