



W.P.(MD) No. 20942 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No. 20942 of 2025
and
W.M.P.(MD) Nos.16212 & 16214 of 2025**

Kumutham

... Petitioner

Vs

1. The District Collector,
Theni District,
Theni.

2. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
TASMAC, IMFS Godown,
Karvelnaickenpatti,
Theni District.

3. Radha

4. Prabu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for records in respect of impugned order passed by the first respondent in Na.Ka.No.11474/2025/P1, dated



W.P.(MD) No. 20942 of 2025

WEB COPY

26.06.2025, quash the same as illegal and consequently, direct the respondents No.1 and 2 to close the TASMAR Retail Outlet No.8620 and bar situated in the agricultural land belonged to the third respondent in Survey No.436/5A, at Mayiladumparai Village, Aundipatti Taluk, Theni District and for other reliefs.

For petitioner : Mr. J. Lawrance

For respondents : Mr.R.Suresh Kumar
Additional Government Pleader for R1
Mr.S.Sivanesan
Standing Counsel for R2

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, learned Additional Government Pleader for the first respondent and the learned Standing Counsel for the second respondent.

2. This is the second round of litigation before this Court. Earlier, the petitioner had approached this Court by way of Writ Petition in W.P.(MD) No. 10665 of 2025, which came to be passed on 21.04.2025. Pursuant to the aforesaid order, the first respondent has passed an interim order, whereby an approval has



W.P.(MD) No. 20942 of 2025

WEB COPY

been granted to the second respondent to put up a TASMAC shop on the third respondent's property. It appears that the fourth respondent has leased the property from the third respondent.

3. According to the petitioner, the TASMAC shop that has been sanctioned by the first respondent, is contrary to the Rules 8 and 10 of the Tamil Nadu Liquor Retail Vending (in Shops and Bar) Rules, 2003.

4. On a specific query as to which particular Clause of the Rule 8 of the said Rule is violated, there is no answer forthcoming.

5. On the other hand, the learned counsel for the petitioner merely submits that the building put up by the third respondent, which is now proposed to be as a TASMAC bar/shop is not a pucca building.

6. The photograph filed by the petitioner at page No.31 of the typed set of



W.P.(MD) No. 20942 of 2025

WEB COPY

papers indicates that the same is a pucca building.

7. In any event, the proposed TASMACH, which has been sanctioned by the first respondent, has not been put up on the land, which belongs to the petitioner and it is on the third respondent's land and also there is a proper arrangement between the respondents 3 and 4. Therefore, this Writ Petition is liable to be dismissed.

8. However, since the petitioner is aggrieved, it is open for the petitioner to file an appeal as per Rule 9-A of the aforesaid Rules within a period of thirty (30) days from the date of receipt of a copy of this order.

9. This Writ Petition is dismissed, with the above liberty. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

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W.P.(MD) No. 20942 of 2025

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W.P.(MD) No. 20942 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 20942 of 2025

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