

W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 27.04.2026

CORAM

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD)No.8990 of 2026**

**and**

**W.M.P.(MD)Nos.7214 and 7216 of 2026**

**and**

**CONT. P.(MD)No.872 of 2026**

**W.P.(MD)No.8990 of 2026**

K.S.Ravichandran

.. Petitioner

- Vs. -  
-

1.The Managing Director,  
Tamil Nadu State Marketing Corporation,  
(TASMAC), CMDA Tower,  
Chennai.

2.The District Collector,  
Thanjavur District,  
Thanjavur.

3.The District Manager,  
Tamil Nadu State Marketing Corporation,  
(TASMAC),  
Thanjavur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.207/2025/EX2, dated 11.03.2026 and quash the same as illegal and consequently to direct the respondents to forthwith close and remove the TASMAL shop presently functioning at Door Nos.114, 115 and 116, Lenin Nagar Main Road, Netaji Nagar, Perumangalur Post, Peravurani Taluk, Thanjavur District, within the period that may be stipulated by this Court.

For Petitioner : Mr. H. Mohammed Imran  
for M/s. Ajmal Associates

For Respondents : Mr. H. Arumugam  
Standing Counsel for R1 & R3

Mr. M. Lingadurai  
Special Government Pleader for R2

**CONT. P.(MD)No.872 of 2026**

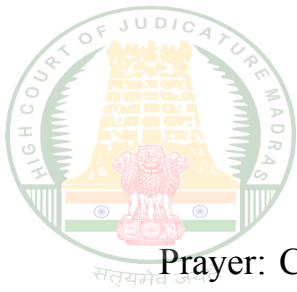
K.S.Ravichandran .. Petitioner/Writ Petitioner

- Vs. -  
-

1.Mrs.B.Priyanka Pankajam, I.A.S.,  
The District Collector,  
Thanjavur District,  
Thanjavur.

2.Mr.Tamilmani,  
The District Manager,  
Tamil Nadu State Marketing Corporation  
(TASMAL),  
Thanjavur District.

.. Contemnors/2<sup>nd</sup> & 3<sup>rd</sup> Respondents



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnors/respondents for the deliberate and willful disobedience of the order dated 04.03.2026 passed by this Court in W.P(MD)No.26028 of 2025.

For Petitioner : Mr. M. Mohammed Zamil  
for M/s. Ajmal Associates

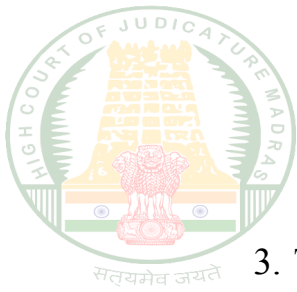
For Respondents : Mr. M. Lingadurai  
Special Government Pleader for R1

Mr. H. Arumugam  
Standing Counsel for R2

### **COMMON ORDER**

The Contempt Petition is filed, alleging willful disobedience of the order dated 04.03.2026, passed in W.P.(MD) No. 26028 of 2025.

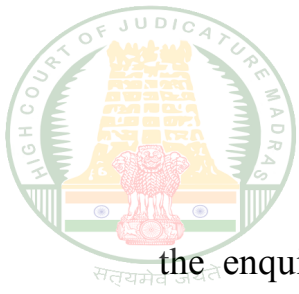
2. During the hearing of the contempt petition, it was represented on behalf of the respondents/contemnors' authorities that an order had already been passed on 11.03.2026, considering the petitioner's objections, completing the enquiry, and permitting the shop. Therefore, W.P.(MD)No.8990 of 2026 is filed challenging the same. Since both are interconnected, they are disposed of by this common order.



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

3. The brief factual background in which these proceedings arise is that the petitioner claims to be a resident of Netaji Nagar, Perumangalur Post, Peravurani Taluk, Thanjavur District. TASMALC earlier proposed to open a shop at Door Nos. 114, 115 and 116, Lenin Nagar, Main Road, Netaji Nagar, Perumangalur Post, Peravurani Taluk, Thanjavur District. When the shop was proposed to be located, there was public agitation, and a peace committee meeting was held on 30.06.2014. Pursuant thereto, the proposal was dropped. However, on 11.09.2025, the District Collector, Thanjavur, passed an order granting permission to open the retail outlet in S.No. 162/22A, which is also on the same street. The said order was challenged before this Court for a flagrant violation of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003, more specifically, Rule 8(3).

4. It is the contention of the petitioner that the petitioner, as well as the others, had made objections by way of representation to the District Collector, and as per the proviso to Rule 8(3) of the said Rules, 2003, the Collector has to consider the representation and pass orders thereon before granting permission. When the matter came up for hearing, it was reported before this Court that in view of the Rule position, a fresh notice is thereafter published and pursuant thereto, the objections of everyone will be considered and it was submitted that



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

the enquiry was proposed to be conducted on 06.03.2026. Accordingly, the following order was passed in the said writ petition in W.P(MD)No.26028 of 2025, dated 04.03.2026 and paragraphs 4 and 5 are extracted hereunder for ready reference:

*“...4. It is submitted that the notice dated 28.02.2026 was also received by the Petitioner. Therefore, it will be open for the petitioner and also any other person who is interested to submit their objections to the second Respondent/District Collector. The second Respondent/District Collector has to first consider the objections and dispose of the same as per the Rules and depending on his decision only, the further decision to locate the shop or not, can be taken.*

*5. Therefore, in view of the same, the petitioner or any person interested can appear before the District Collector on 06.03.2026, the date fixed for enquiry and it will be open for the petitioner or anybody else to submit their objections and the same shall be considered as per the Rules. It is needless to mention that unless a decision is taken, the TASMACH shop cannot be located in the said place.”*

5. Under the said circumstances, it is the contention of the petitioner that the shop was opened on 11.03.2026. An urgent motion CONT. P. (MD) No. 872 of 2026 was moved, complaining of willful disobedience of the order. When the matter came up for hearing thereafter, an order dated 11.03.2026 was produced



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

before this Court, showing that the District Collector had passed the order on the objections as required under the proviso to Rule 9, and thereafter, only the shop was located.

6. It is the contention of the petitioner that the said order was not even served on the petitioner. Even now, as per the District Collector's records, the order was posted only on 13. 03. 2026. So, a predated endorsement is made in the order as well as on the cover, while the postal receipt categorically mentions the date as 13. 03. 2026. Therefore, the shop was located and opened in a hurried manner without even disposing of the petitioner's representation, and they are in willful disobedience of this Court's order. Further, the writ petition was also filed challenging the said order.

7. The reasons mentioned in the Order of the District Collector are assailed in the writ petition. It is the contention of the learned counsel for the petitioner that none of the objections raised by the petitioner with reference to the earlier attempt, peace committee meeting, etc., were considered. The order is passed solely on the basis of the representation of the District Manager of TASMAC, stating that the alcoholics have to go to the Thiruvappadi TASMAC shop at all times during the day and night, which resulted in several accidents



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

on their return, and robberies were committed, people lost their property, including vehicles, and therefore the TASMACH shop should be located in Perumangalur itself, and that a Mathar Sangam, which is the Women's Association, has made such a request to immediately locate the retail shop. After considering that the shop is not within the prohibited distance of any place of worship or educational institution, the objections are rejected, and, on the same day, permission appears to have been granted.

8. The learned counsel appearing on behalf of the petitioner would submit that the entire averments contained in the report of the TASMACH Manager are false and that no such instances are taking place. The entire village is opposed to the opening of the TASMACH shop. Accordingly, the order in question is also challenged.

9. When the matter earlier came up, since it boiled down to taking decisions on the same day, that is, on 11.03.2026, this Court directed the second respondent/District Collector to file an affidavit explaining how things proceeded on that day. An affidavit was filed stating that the District Revenue Officer was deputed to conduct the enquiry on behalf of the District Collector. During the enquiry, the residents were given a full and fair opportunity to

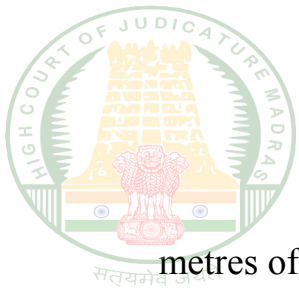


W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

present their objections. The suitability of the location was also examined, and the order was issued on 11.03.2026. It is stated that the order was passed at about 11.30 a.m. The shop was opened later in the day. It is now stated in the affidavit that the President of the Traders Sangam is requesting the establishment of a TASMACH shop in the area. Therefore, no violation of any procedure was committed in the entire exercise; the orders have rightly been passed, and the orders of this Court have not been violated.

10. The learned Special Government Pleader appearing on behalf of the District Collector would reiterate the submissions made in the affidavit and submit that the orders have been passed in accordance with law. Merely because it was despatched on 13.03.2026, nothing should be held against the Collector. After the order is passed, it takes a while for the competent officials to make entries in the despatch register and post the letter.

11. Mr. H. Arumugam, learned Standing Counsel appearing on behalf of the TASMACH Corporation, would submit that the very writ petition is motivated. The petitioner is acting at the behest of those illegally selling liquor in the area. To avoid illegal sales, the location was selected after considering that there is no other prohibited place of worship or school, etc., within 100



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

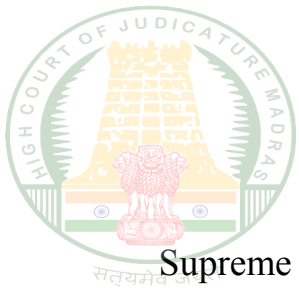
metres of the location, and therefore the proposal was made. When the Collector has granted permission after considering the objections, there is no illegality in the shop's location. Only after permission was granted was the shop opened in the evening of 11.03.2026.

12. I have considered the rival submissions made on either side and perused the material records of the case. Rule 8(3) of the Rules reads as under :

*“(3). No business shall be commenced in the shop unless the location of the shop is approved by the Collector;*

*Provided that no such approval shall be given by the Collector unless representation received, if any, objecting to the location of the shop, is considered and orders passed thereon”*

13. Rule 9-A also provides an appeal against the Order of the District Collector to the Commissioner of Prohibition and Excise within a period of 30 days. In this case, although it is stated that an order rejecting the objections was passed on 11.03.2026, it was in the District Collector's own file and was communicated to the petitioner only on 13.03.2026. An order can be deemed to be passed only if it is communicated to the objector. Useful reference in this regard can be made to the Constitution Bench Judgments of the Hon'ble



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

Supreme Court of India in *State of Punjab -VS- Amar Singh Harika*<sup>1</sup> and *Bachhitar Singh -Vs- State of Punjab*<sup>2</sup>. In *Kavanna Vana, Ena Swaminathan alias Chidambaram Pillai v. Lakshmanan Chettiar and another*<sup>3</sup>, dated **26.11.1929**, a Hon'ble Division Bench of this Court considered a similar phrase, "making an order within 30 days," and held that, except where the order is dictated in the presence of the parties, the exercise would be deemed to be made only if the order is communicated to the parties. Thus, the opening of the above shop on 11.03.2026 is illegal.

14. Further, from the affidavit filed on behalf of the Collector, it appears that she was busy with the elections. If so, there was no grave urgency to immediately locate and open the TASMAC shop. The enquiry could have been conducted after the date of polling or when the Moral Code of Conduct was lifted. However, she submits that, in view of her being busy with the electoral roll and other matters, she deputed the District Revenue Officer to conduct an enquiry. First of all, when it is a statutory exercise, delegation to another authority is permissible only if the statute permits it. Even otherwise, if an authority is supposed to conduct an enquiry and satisfy itself as to the correctness or otherwise of the objections, and it deposes some other authority,

<sup>1</sup> AIR 1966 SC 1313

<sup>2</sup> AIR 1963 SC 395

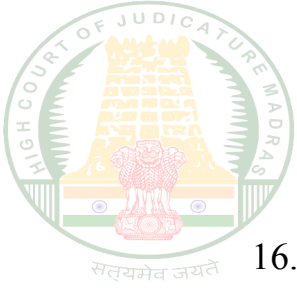
<sup>3</sup> Part 12 L.W., 1930 Vol. XXXI Page 487



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

then that authority should submit a report, and a copy of that report should be furnished to the concerned persons. Only after hearing them can a decision be arrived at. Therefore, the procedure adopted by the District Collector to depute some other individual to hear the objections, and thereafter, without receiving any report from the District Revenue Officer and on oral interaction with the District Revenue Officer, is absolutely illegal and incorrect, and it also does not satisfy the proviso to Rule 9 of the said Rules, 2003.

15. Next, on to the merits of the reasons mentioned, the order refers to some reasons as if they were mentioned by the District Manager of TASMAC. The order refers to a communication dated 26.05.2025. Neither TASMAC nor the counsel appearing on behalf of the District Collector is able to produce such a communication dated 26.05.2025. As a matter of fact, the learned counsel appearing on behalf of TASMAC submitted that, as far as the present exercise is concerned, a fresh letter dated 04.08.2025 has been issued. But when it was represented before this Court that the earlier proceedings were dropped, the Collector again relied on the letter issued during the earlier proceedings, and the reasons are elucidated in the impugned order. That is yet another grave illegality committed by the District Collector.



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

16. Finally, the paragraph extracted in the impugned order is reproduced

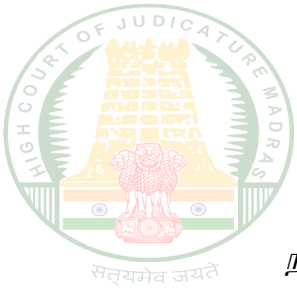
hereunder for ready reference:

□மேற்படி விசாரணையில் பெருமகளுர் பகுதியைச் சேர்ந்த முக்கியஸ்தர்கள் ஆஜராகி மதுபான சில்லறை விற்பனைக்கடை அமைய ஆட்சேபனை தெரிவித்தும் மற்றும் ஆதரவு தெரிவித்தும் மனுக்கள் அளித்துள்ளனர்.

மேலும் பார்வை 7-ல் காணும் டாஸ்மாக் மேலாளர் கடிதத்தில் பெருமகளுர் பகுதியில் மதுபான சில்லறை விற்பனை கடை இல்லாததால் வாடிக்கையாளர்கள் புதுக்கோட்டை மாவட்டம் திருவப்பாடி டாஸ்மாக் கடையை நோக்கி இரவு பகலாக செல்ல வேண்டியுள்ளதால் வரும் வழியில் பல விபத்துகளும், வழிப்பறியிலும் சிக்கி பலர் தங்கள் உடமைகளையும், வாகனங்களையும் இழக்க நேர்கிறது. எனவே, பெருமகளுர் பகுதியில் மதுபான கடை அமைக்க வேண்டும் என மாதர்சங்கத்தின் சார்பாக மனு அளித்துள்ளார்கள் என்றும், 2003-ம் ஆண்டு தமிழ்நாடு சில்லறை மதுபான (கடை மற்றும் பார்) விதிகள் 8(1)-ல் காணும் நிபந்தனைகளை நிறைவு செய்துள்ளது என்றும் தெரிவிக்கப்பட்டுள்ளது.

இந்நேர்வில் மனுதாரரின் ஆவணங்கள் மற்றும் கோரிக்கை பரிசீலிக்கப்பட்டதில் டாஸ்மாக் கடை 8029 அமைக்க உத்தேசிக்கப்பட்டுள்ள இடத்தின் 100 மீட்டர் தொலைவிற்குள் வழிபாட்டு ஸ்தலங்கள், கல்வி கூடங்கள் அமையபெறவில்லை எனவும் அறிக்கையில் தெரிவிக்கப்பட்டுள்ளது.

இவ்வினம் தொடர்பாக மேற்படி மனுக்கள் மற்றும் அறிக்கைகளை நன்கு பரிசீலனை செய்ததில் திரு. கே. எஸ். ரவிச்சந்திரன் என்பவரால் தாக்கல் செய்யப்பட்ட ஆட்சேபனை மனுவில் குறிப்பிடப்பட்டுள்ள ஆட்சேபனைகள் ஏற்கத்தக்கதாக இல்லை என்பதால் தங்களின் கோரிக்கை



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

WEB COPY

நிராகரிக்கப்படுகிறது என்ற விபரம் மனுதாரருக்கு இதன் மூலம்  
தெரிவிக்கப்படுகிறது.□

17. Neither the TASMACH nor the Mathar Sangam can defame the State of Tamil Nadu as if robberies are taking place between two villages. Upon noticing the said submissions, this Court also directed the Inspector of Police, Peravurani Police Station, to place on record as to how many robberies have taken place and how many accidents have happened due to alcoholics travelling to the next village shop. The learned Government Advocate (Criminal Side) would submit, on instructions, that no such robbery has been reported, and that although there were some accidents, none is directly connected or attributable to persons going to the next village TASMACH shop and returning drunk. Therefore, the Mathar Sangam alleges false and defamatory reasons. Many of us are born in this great state, and all of us take pride in being part of it. When it is portrayed as if Robbers and Dacoits are waylaying people and looting their property, and a scenario is mentioned as if the alcoholics are travelling day and night to the next village and accidents are happening, the District Collector, who is administering the territory, should have checked whether the District Administration under her is in such a grave situation and should have enquired about the matter. The indifference shocks the Court's conscience. The attitude of officers that, just to



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

locate a TASMAL shop, they will write anything in the order, gives a wake-up call about the undue importance given to this.

18. On enquiry by the Court, the said reasons have now been found to be completely false. Further, on consideration of the said reasons, the same are attributed to an organization called “Ananithinthiya Jananayaga Mathar Sangam”, Perumangalur. One Ra.Ramamirtham is mentioned as the President, and one N.Prema is mentioned as the Secretary. One Prema has signed the said document dated 03.02.2025, which also verbatim contains the same reasons that are said to have been forwarded by the District Manager of TASMAL. They have all submitted false reasons before the District Collector, and that too defaming the State and its people.

19. The further contention made on behalf of the TASMAL is that people are illegally selling liquor. To prevent it, the shop is located. Again, the statement points to TASMAL’s own employees. They are supposed to supply only in retail to individual consumers. If they are illegally supplying liquor in bulk to unauthorised private persons who are selling liquor, it is not difficult to identify the bottle by its batch number, etc., and take action against their own employees who supplied liquor to illegal traders. Thus, TASMAL's argument is nothing but a self-incriminating own goal. If the allegation is of selling illicit



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

liquor, then it is for the police to take action against the brew so that another incident like Kallakurichi does not recur.

20. The District Collector is supposed to consider all submissions dispassionately, give detailed reasons for dismissing the objections, and communicate the said order to the parties. The parties also have a right of appeal under Rule 9A of the Rules, 2003. Therefore, the entire exercise is done in a hasty manner. Before this Court, for every other genuine request, such as the repair of a school or hospital building, the ready answer is that the Moral Code of Conduct is in force. But how the location and opening of the TASMAC shop are so important defies logic. While finding that the proven allegations just fall short of a charge of Contempt of Court, this Court finds that the entire exercise is carried out without due consideration of the spirit of the Rules, but only with the consideration of the sale of the Spirit(alcohol). Spirit(alcohol) can be sold; let not the self-esteem and conscience.

21. In the result:

(a) The writ petition in W.P(MD)No.8990 of 2026 is allowed on the following terms:

(i) The impugned order dated 11.03.2026 and a consequential permission granted to open the TASMAC



WEB COPY



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

shop shall stand quashed. The said TASMAL shop shall remain closed forthwith;

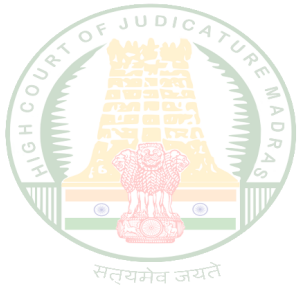
(ii) The District Collector shall fix a fresh date of enquiry. The petitioner or any other person who has submitted their objections shall appear before the District Collector. Any other person who wants to submit objections afresh can also do so;

(iii) The District Collector herself shall conduct the enquiry; there is no hurry; she can conduct the enquiry as per her availability of time;

(iv) During the inquiry, the Collector shall summon the Mathar Sangam, the President and the Secretary mentioned in the affidavit, and they shall be duly examined as to the basis on which they have made such an averment relating to robbery, loss of vehicles, etc.; the petitioner or any other objectors will be entitled to cross-examine them;

(iv) The District Collector shall thereafter dispose of the objections in the manner known to law and thereafter pass final orders.

(v) No costs. Consequently, connected miscellaneous



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

petitions are closed.

WEB COPY

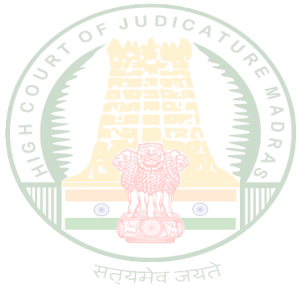
(b) The Contempt Petition in Cont. Petition (MD) No. 872 of 2026 shall stand closed.

**27.04.2026**

sjj

NCC: Yes  
To

The District Collector,  
Thanjavur District,  
Thanjavur.



WEB COPY



W.P.(MD)No.8990 of 2026  
and CONT.P.(MD)No.872 of 2026

**D.BHARATHA CHAKRAVARTHY, J.**

sjj

**W.P.(MD)No.8990 of 2026**  
**and**  
**W.M.P.(MD)Nos.7214 and 7216 of 2026**  
**and**  
**CONT. P.(MD)No.872 of 2026**

**27.04.2026**