

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, THE CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.20988 of 2015

PL.Subramani

... Petitioner

-vs-

1. The Government of Tamilnadu,
rep. by its Principal Secretary,
Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
2. The District Collector,
Singaravelan Maligai, Parrys,
Chennai-600 001.
3. The Managing Director,
TASMAC Ltd., 4th Floor,
CMDA Tower-II, Egmore,
Chennai-600 008.
4. The General Manager (Retail Vending),
TASMAC Ltd., 4th Floor,
CMDA Tower-II, Egmore,
Chennai-600 008.
5. The Senior Regional Manager,
TASMAC Limited, L.L.A. Building,
735, Anna Salai,
Chennai-600 002.
6. District Manager,
(Chennai Central) Tasmac Ltd.,
Ambattur Industrial Estate,
Chennai-58.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to relocate or shift or close down the TASMAC shop bearing license No.383 located at New Door No.121, Bricklin Road, Purasaivakkam, Chennai-600 007.

For Petitioner : Ms.Inthu Karunakaran

For Respondent : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundaram
Government Advocate for R1 & R2
Mr.S.Muthuraj for R3 to R6

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

It is now conceded by the learned counsel appearing for the TASMAC that the area in question is a mixed land use area and thus, the distance restriction as envisaged under Rule 8(1) of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003 would apply.

2. The aforesaid really closes all issues in terms of our last order, but the learned counsel appearing for the TASMAC once again made another valiant endeavour to get out of the shifting of the shop by seeking to contend that the definition of "place of worship" under Rule 2(p) of the said Rules excludes any structure on the road side, pavement or footway or in the compound of any building which is not a place of worship by itself. This aspect was discussed at length on the last hearing with reference to photographs and it is quite apparent that the temple is in alignment with the adjacent building and not on the road. The temple is also stated to be under the management of the Hindu Religious and Charitable Endowment Department.

3. The result of the aforesaid is that the shop has to be mandatorily shifted and we are only concerned with the time required by the TASMAC to shift the shop.

4. We, thus, direct that TASMAC Shop bearing license No.383 located at New Door No.121, Bricklin Road, Purasaivakkam, Chennai-7 shall be shifted not later than three months from today.

5. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The District Collector,
Singaravelan Maligai, Parrys,
Chennai-600 001.
3. The Managing Director,
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(Chennai Central) Tasmac Ltd.,
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Chennai-58.

+lcc to M/s.J.P.Karunakaran, Advocate, S.R.No.54517
+lcc to the Government Pleader, S.R.No.54254

W.P.No.20988 of 2015

RSK(CO)
CA(14/10/2015)