

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2015

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.21409 of 2015

M.Arumugam

... Petitioner

Vs.

1. Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by the Managing Director, ''Thalamuthu Natarajan Maaligai'', Gandhi-Irwin Road, Egmore, Chennai - 600 008,
 2. The Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by the Senior Regional Manager, L.L.A. Building, Anna Salai, Chennai - 600 002,
 3. The Tamil Nadu State Marketing Corporation Limited (TASMAC), rep.by the District Manager, Kancheepuram (North), Industrial Estate, Thirumazhisai, Chennai - 600 123, Kancheepuram District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of Mandamus directing the respondents to forthwith reopen the TASMAC Wine shop No.4096 or any other TASMAC Wine Shop at the petitioner's premises bearing Door No.317, G.S.T.Road, Chromepet, Chennai - 600 044 by considering and passing orders on the representation of the petitioner dated 15.6.2015.

For Petitioner : Mr.N.Ishak

For Respondents: Mr.S.Muthuraj

ORDER

This writ petition has been filed seeking mandamus directing the respondents to forthwith reopen the TASMAC Wine shop No.4096 or any other TASMAC Wine Shop at the petitioner's premises bearing Door No.317, G.S.T.Road, Chrompet, Chennai - 600 044 by considering and passing orders on the representation of the petitioner dated 15.6.2015.

2. Learned counsel appearing for the petitioner would submit that the petitioner had taken the property bearing Door No.317, G.S.T.Road, Chromepet, Chennai on lease, spent more than Rs.20 lakhs for renovation of the building and after obtaining bar licence to run the business in the said premises, opened shop No.4096 in the petitioner's property, but the District Manager, TASMAC closed the shop on the ground that the said TASMAC shop and bar at Door No.317, G.S.T.Road, Chromepet, Chennai - 44 is situated on the National Highways without there being any material to establish that it is situated on the National Highways. However, the petitioner obeyed the order of the District Manager, TASMAC by closing down the shop. But recently one another shop that was closed along with the petitioner's shop was allowed to be reopened. Therefore, there shall be a direction to the respondents to reopen the petitioner's shop.

3. This Court is not inclined to go into the disputed question, whether the petitioner's shop was closed on the sole reason that it was situated on the National Highways. Moreover, this Court as well as the Apex Court have repeatedly held that no arrack shop can be allowed to function on the National Highways as they are creating so much of public nuisance. Therefore, this Court is not inclined to entertain the petitioner's prayer.

4. Accordingly, the writ petition fails and the same is dismissed. However, there is no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director, Tamil Nadu State Marketing Corporation Limited (TASMAC),
''Thalamuthu Natarajan Maaligai'',
Gandhi-Irwin Road,
Egmore, Chennai - 600 008,
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
L.L.A. Building,
Anna Salai, Chennai - 600 002,
3. The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Kancheepuram (North),
Industrial Estate, Thirumazhisai,
Chennai - 600 123,
Kancheepuram District.

+1cc to Mr.N. Ishak, Advocate, S.R.No.36277

ALA(CO)
EU(03/08/2015)

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