

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2015

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.21410 of 2015

S.Sakthivel

... 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 locate and open the TASMAC Wine Shop at the petitioner's premises bearing Door No.21, Zamin Pallavaram village, M.I.T.Gate, S.No.486, Chengalpet Taluk, Kancheepuram District, 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 locate and open the TASMAC Wine Shop at the petitioner's premises bearing Door No.21, Zamin Pallavaram village, M.I.T.Gate in S.No.486, Chengalpet Taluk, Kancheepuram District, 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.21, Zamin Pallavaram village, M.I.T.Gate, S.No.486, Chengalpet Taluk, Kancheepuram District on lease and spent more than Rs.30 lakhs for renovation of the building and for obtaining bar licence to run the business in the said premises. Though the said premises is in accordance with the provisions of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003, the respondents have not considered the request made by the petitioner to locate and open a TASMAC wine shop in the said premises and in such circumstances, the petitioner made a representation dated 15.6.2015 to the respondents by speed post on 20.6.2015 requesting the respondents to locate and open a TASMAC wine shop at the petitioner's above premises along with ''No Objection Certificate'' of the owner. However, as the same was not considered by the respondents, the present writ petition is filed by the petitioner.

3. 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. It is for the respondent authorities to consider the case of the petitioner in accordance with law. 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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