

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

CORAM

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

and

The Hon'ble Mr.JUSTICE G.CHOCKALINGAM

W.P.No.24986 of 2015

and

M.P.No.1 of 2015

L.Kumanan

.. Petitioner

-vs-

1.The District Collector,
Villupuram District,
Villupuram.

2.The Managing Director,
TASMAC Limited,
LLA Building,
No.735, Anna Salai,
Chennai-600 002.

3.The District Manager,
TASMAC Limited,
Villupuram.

4.K.Poomalai,
Supervisor,
Shop No.11474,
TASMAC Liquor Shop,
Sankarapuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 3 to remove their liquor shop bearing No.11474, Sankarapuram, Villupuram District.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.N.Sakthivel
Government Advocate for R1

Mr.S.Muthuraj for R2 & R3

* * * * *

O R D E R

(Order of the Court was made by T.S.Sivagnanam, J.)

This writ petition has been filed as Public Interest Litigation to issue a writ of mandamus to direct the respondents 1 to 3 to remove the liquor shop bearing No.11474, Sankarapuram, Villupuram District.

2. The petitioner is stated to be a Doctor practising in Villupuram, had submitted a representation to the respondents objecting to the location of the subject liquor shop, which has been established by the Tamilnadu State Marketing Corporation Limited (TASMAC). The grievance expressed was that shop bearing No.11474 was established in a busy locality and surrounded by two private hospitals, one Government Girls Higher Secondary School and also a place of worship. The said representation of the petitioner was considered by the District Manager, TASMAC Limited, Villupuram vide proceedings dated 12.11.2014, wherein the District Manager directed the Shop Superintendent of Shop bearing No.11474, Sankarapuram to immediately take steps to shift the shop to some other unobjectionable place. This direction was issued on 12.11.2014. A perusal of the said proceedings dt. 12.11.2014 shows that it is based on the direction issued by the first respondent/District Collector, Villupuram vide proceedings in Na.Ka.L1/19454/2014, dated 15.10.2014. The petitioner would state that nearly one year has passed by and till date the shop has not been shifted.

3. When the writ petition came up for admission at 10.30 A.M., the learned Standing Counsel for the TASMAC accepted notice for respondent Nos.2 and 3 and requested this Court for short pass over to enable him to get instructions.

4. Again, when the matter is called out at 1.20 P.M., on instructions, the learned counsel for respondent Nos.2 and 3 has submitted that the shop bearing No.11474 will definitely be shifted from the present location, but the Shop Superintendent is unable to immediately locate the alternative site and three months time is sought for the said purpose. The learned counsel for respondent Nos.2 and 3 on instructions would state that if within three months the alternative site is not able to be identified, then they will forthwith close the shop on the expiry of three months.

5. The petitioner, has pointed out that in November, 2014 the said direction was issued, which was based on the direction of the District Collector, Villupuram and for nearly one year, no action has been taken.

6. Considering the submissions made on either side, there will be a direction to the respondents 1 to 3 to shift the shop in question on or before 05.11.2015. If it is not shifted by the respondents 1 to 3 on or before the aforesaid date, the shop will be permanently closed.

7. The writ petition is disposed of in terms aforesaid. No costs. Consequently, M.P.No.1 of 2015 is closed.

-s/d-

Assistant Registrar (CSII)
dt:03/09/2015

True Copy

Sub-Assistant Registrar

bbr

To

- 1.The District Collector, Villupuram.
- 2.The Managing Director,
TASMAC Limited,
LLA Building, No.735, Anna Salai, Chennai-600 002.
- 3.The District Manager,
TASMAC Limited, Villupuram.

+1 cc to Government Pleader, High Court, Madras
sr.42929/15

+1 cc to Mr.S.Muthuraj Advocate sr.43158/15

+1 cc to Mr.V.Karthikeyan, Advocate sr.43055/15

W.P.No.24986 of 2015

aa04/09/2015