

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26554 of 2015

Veangai I.Prakash Raj, Advocate. .. Petitioner

-vs-

1.The Secretary to Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai.

2.The Chairman of Tamil Nadu State
Marketing Corporation Limited
(TASMAC) Ltd., Secretariat,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to issue orders to take necessary steps to remove all the existing TASMAC shops (wine shops) and later to set up the upcoming TASMAC shops (wine shops) within a radius of 50 metres from the police station within that jurisdiction, to ensure the safety of the general public, TASMAC shop (wine shop) employees, loss of public revenue and to reduce the burden of the police authorities.

For Petitioner : Mr.Muthukumar

For Respondents: Mr.S.T.S.Moorthy, Govt. Pleader,
assisted by Mr.V.R.Kamalanathan,
Addl. Govt. Pleader for R-1
: Mr.S.Muthuraj for R-2

ORDER

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

This is one more petition seeking closure of TASMAC shops, as that seems to be the flavour of the month for PILs! The prayer is couched in a slightly different language that the TASMAC shps should be re-located within a radius of 50 metres from the police station within that jurisdiction.

2.In so far as location of the shop is concerned, there are certain norms including of distance and if they are violated in a specific case, we have entertained petitions. In another writ petition, we are also examining the issue as to how to control the position arising from drinking outside TASMAC shops. It is not as if the petitioner, an advocate, has any specialised knowledge of the subject or at least we assume so.

3.There is no need to exercise jurisdiction under Article 226 of the Constitution of India in a Public Interest Litigation.

4.Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Secretary to Government,
Home Prohibition and Excise Dept.,
Secretariat, Chennai.

2.The Chairman of Tamil Nadu State
Marketing Corporation Limited
(TASMAC) Ltd., Secretariat,
Chennai.

+1cc to Mr.Muthukumar, Advocate, S.R.No.45983
+1cc to Mr.S.Muthuraj, Advocate, S.R.No.46086
+1cc to the Government Pleader, S.R.No.46264

VGI(CO)
EU(/09/2015)

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