



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P.(MD)No.14754 of 2015
and M.P.(MD) Nos. 1 and 2 of 2015

WEB COPY

K.G.Udhaya Kumar

... Petitioner

Vs.

1.The District Collector,
Nagercovil,
Kanyakumari District.

2.The Assistant Commissioner Excise Prohibition,
Nagercovil,
Kanyakumari District.

3.The Senior Regional Manager,
TamilNadu State Marketing Corporation,
(TASMAC) Ltd., Madurai District.

4.The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMAC) Ltd., Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent vide his proceedings in R.5/24386/2015 dated 01.08.2015 and quash the same as illegal and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner ... Mr.G.V.Vairam Santhosh

For R1 ... Mr.K.P.Krishnadoss
Government Advocate

R2 to R4 ... Mr.M.Muniyasamy
Standing Counsel

O R D E R

This Writ Petition has been filed by Udhayakumar challenging the impugned order dated 01.08.2015 issued by the Assistant Commissioner Excise Prohibition, Nagercoil, Kanyakumari District shifting the wine shop bearing No.4875 from one place to another place as per direction issued by this Court in W.P.(MD) No.7319 of 2015.

2.By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent and the learned standing counsel appearing for the respondents 2 to 4.

4. The petitioner has challenged the impugned order dated 01.08.2015 passed by the Assistant Commissioner, Excise Prohibition, Nagercoil, shifting the wine shop bearing No.4875 from one place to another place as per direction issued by the District Collector based on the objections raised by the public through the Local M.L.A. for removing



the said wine shop.

5. Aggrieved by the order, this Writ Petition has been filed by the learned counsel for the petitioner.

6. The learned counsel for the petitioner would submit that the President of Vanniyoor Panchayat has given a Certificate on 10.08.2015 making it clear that the disputed shop No.485 is situated in the petitioner's building is not within the restricted distance and there is no educational institution or place of worship near the said shop and hence, he prays that the impugned order has to be set aside.

7. This Court hardly finds any merit in the submission of the learned counsel for the petitioner. Though a Certificate was issued by the President on 10.08.2015 stating that the disputed TASMACH shop No.4875 is not falling under the restricted distance, the local MLA on receipt of various objections from the public has given a representation to the District Collector for shifting the place of the disputed TASMACH shop No.4875. Therefore, this Court finds no infirmity in the direction issued by the District Collector for shifting of the shop.

8. This Court is not able to see any infirmity in the impugned order. Hence, this Writ Petition is dismissed. No costs. Consequently, connected M.P.s are closed.

Sd/-

The Assistant Registrar(AS)

/True copy/

Sub-Assistant Registrar

To

1.The District Collector,
Nagercovil,Kanyakumari District.

2.The Assistant Commissioner Exercise Prohibition,
Nagercovil,Kanyakumari District.

3.The Senior Regional Manager,
TamilNadu State Marketing Corporation,
(TASMACH) Ltd., Madurai District.

4.The District Manager,
Tamil Nadu State Marketing Corporation,
(TASMACH) Ltd., Kanyakumari District.

+1cc to special Government Pleader SR.No.48887/15

sm:sks:20.10.2015:2P/6c

W.P. (MD) No.14754 of 2015
and M.P. (MD) NOs. 1 and 2 of 2015
21.08.2015