



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.20120 of 2015

A.Govindaraj ... Petitioner

Vs.

1.The State of Tamil Nadu, Rep., by Home Secretary,
Home Department, St., George Fort, Chennai 9.

2.The District Collector, District Collector Office,
Trichy District.

3.The Superintendent of Police, Trichy District.

4.The District Manager, TASMAC, Trichy District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to shift the TASMAC shop in Shop No.10554 from Porur Village to any other place on the basis of the petitioner's representation dated 17.10.2015 within the stipulated period fixed by this Court.

For Petitioner	: Mr.R.Rajaraman
For Respondents 1-3	: Mr.B.Pugalenth, Special Government Pleader.
For 4 th Respondent	: Mr.M.Muniyasamy

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN,J.**)

The petitioner has come up with the above writ petition seeking a mandamus to direct the respondents to shift the TASMAC shop in Shop No.10554 from Porur Village to any other place.

2.Heard Mr.Rajaraman, learned counsel for the petitioner, Mr.B.Pugalendhi, learned Special Government Pleader for the respondents 1 to 3 and Mr.M.Muniyasamy, learned counsel for the fourth respondent.

3.According to the petitioner, the TASMAC shop is located within a distance of 150 feet of a temple in violation of Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. It is also claimed that there is a bus stop which is common for three villages. According to the petitioner, lot of students had to come to the bus stop.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The fourth respondent has filed a counter affidavit contending that this is a personal interest litigation. But he has not elaborated as



to how it is a personal interest litigation.

5.However, insofar as the location is concerned, the fourth respondent has stated that the shop is located at a distance of 262 metres from the temple. It is also located 300 metres away from the village habitation and hence, it is claimed by the fourth respondent that Rule 8 is not violated.

6.However, from the photographs furnished by the petitioner, it appears that Rule 10 of the Rules is violated. Rule 10(3) reads as follows:-

"10(3).Every bar shall be housed in pukka building and no part of the bar shall be thatched either on the sides or on the roof. The bar room shall be sufficiently screened so that consumption of liquor is not visible from outside and shall also be provided with fans. Sufficient number of tables and chairs for the consumers to conveniently sit and consume liquor shall be provided. Such room shall not be used as a club or recreation room or for any other purpose whatsoever. No gambling or any kind of disorderly conduct in the shop shall be permitted".

7.But the photographs show that the bar is not located as per Rule 10(3). However, Mr.M.Muniyasamy, learned counsel for the fourth respondent submitted that the bar is already closed.

8.Therefore, the writ petition is disposed of directing the District Collector to examine whether the location of the shop is in accordance with Rules and take a decision within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

sms

To

1.The Home Secretary, Home Department, Government of TamilNadu
St., George Fort, Chennai 9.

2.The District Collector, District Collector Office,
Trichy District.

3.The Superintendent of Police, Trichy District.

4.The District Manager, TASMACH, Trichy District.

+1CC to Mr.R.Rajaraman Advocate Sr.No.67098

+1CC to Spl.Government Pleader Sr.No.67355

GJM/AAL/MPA/1.12.2015-2P-7C