

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.111 of 2014

and

M.P.No.1 of 2014

1.Mrs.G.Sankari
2.Mrs.G.Mahalakshmi
3.Mrs.G.Ramalakshmi

.. Petitioners

Vs..

1.The Secretary to Government of Tamil Nadu
Home, Prohibition and Excise Department
Fort St.George, Chennai - 600 009.

2.The Managing Director
TASMAC Limited
CMDA Tower - II
Egmore, Chennai - 600 008.

.. Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondents to cause the relocation/shifting of TASMAC Shop and Bar from the present location along the State High Way at Plot No.6 (part) and Plot No.7, Selvam Nagar, 200' Inner Ring Road, Madhavaram, Chennai - 600 110 and also direct the second respondent to honour the commitment made in the impugned letter dated 23.09.2013 to relocate the aforesaid TASMAC shop and bar in keeping with the Government Policy and the order dated 25.02.2013 passed by this Court on a related public interest litigation.

For Petitioner : Mr.N.Seshadri

For Respondents: Mr.S.Diwar, Spl.G.P., for R1

Mr.C.Kasi Rajan, for R2
for Tasmac

ORDER

Heard Mr.N.Seshadri, learned counsel for the petitioner, Mr.S.Diwar, learned Special Government Pleader appearing for the first respondent and Mr.C.Kasi Rajan, learned Standing Counsel for the second respondent.

2.This writ petition has been filed for issuance of a writ of mandamus directing the respondents 1 and 2 to relocate or shift the TASMAC bar from the present location. The case of the petitioner itself is based on the nuisance created by the location of the shop. The writ petitioner is not a public interest litigant but she is the owner of the property adjoining the property where the TASMAC shop and the bar are located.

3.This writ petition which was filed in the year 2014 was heard on several dates and directions were issued periodically and pointed directions were issued on 08.10.2014, 10.11.2014 and 24.06.2015. Pursuant to all these directions, the learned counsel appearing for the respondent TASMAC has reported before this Court along with the photographs taken on 13.08.2016, stating that the height of the compound wall has been increased to 12 feet and a clear demarcation has been made between the petitioner's property and the property where the bar is situated.

4.Furthermore, the photographs show that the adjoining properties are also commercial establishments. With regard to the complaint of the petitioners that the lorries are parked in front of the building and often the lorry drivers get into a drunken brawl, causing nuisance to the petitioner and the persons of the locality is concerned, the petitioner can move the appropriate police authorities by way of proper complaint which shall be looked into and action be taken in accordance with law.

5.In the light of the above fact, since appropriate action has been initiated in the matter pursuant to the directions issued by this Court, for the present, no further directions are required in this writ petition. Accordingly, the writ petition stands disposed of recording the action taken by the respondent. If still the petitioner is aggrieved, it is open to him to approach the authorities by way of fresh representation. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pgp

To

1.The Secretary to Government of Tamil Nadu
Home, Prohibition and Excise Department
Fort St.George, Chennai - 600 009.

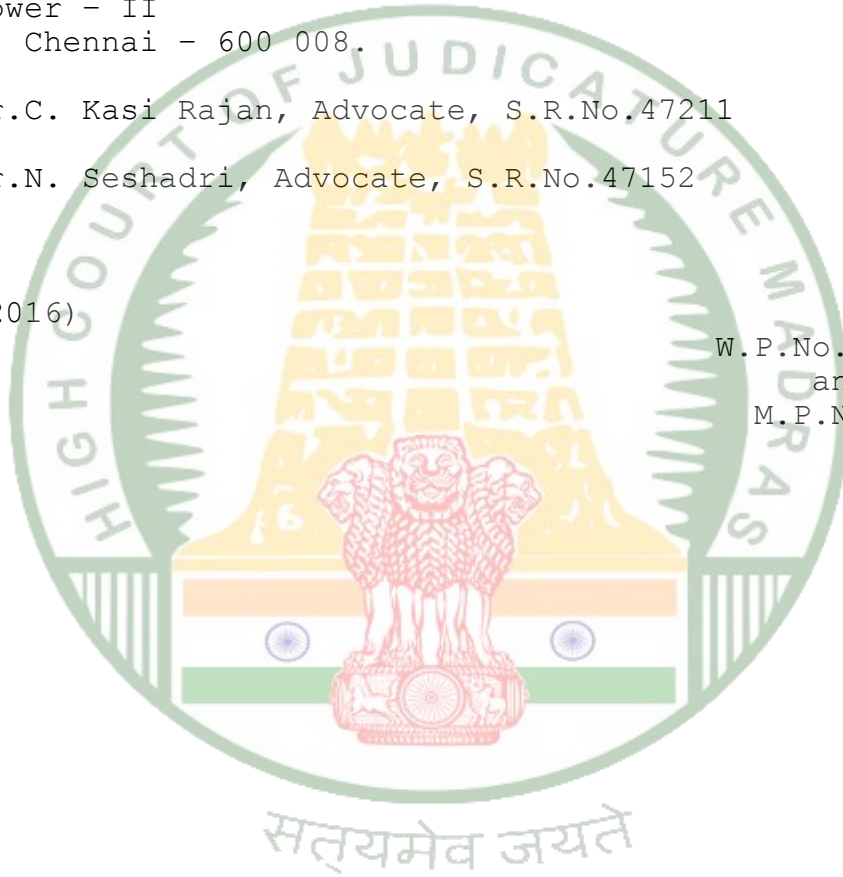
2.The Managing Director
TASMAC Limited
CMDA Tower - II
Egmore, Chennai - 600 008.

+1cc to Mr.C. Kasi Rajan, Advocate, S.R.No.47211

+1cc to Mr.N. Seshadri, Advocate, S.R.No.47152

PUS (CO)
EU (09/09/2016)

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