

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 1/6/2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.3032 of 2015 and MP.No.1 of 2015

1.V.S.Ismail
2.M.G.Lokanadhan
3.S.Aziz
4.Maqbul Hussain.

... Petitioners

Vs

1. The District Collector,
Chennai District,
Rajaji Salai, Chennai-1.

2. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
rep. By the Managing Director
"Thalamuthu Natarajan Maaligai"
Gandhi Irwin Road, Chennai-8.

3. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
rep. By the Senior Manager
LLA Buildings, Chennai-2.

4. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
rep. By the District Manager
Chennai South, No.B-4 Industrial Estate
Ambattur, Chennai-58.

5. The Corporation of Chennai
rep. By its Executive Engineer - I
Zonal Office XIII, No.115,
Dr.Muthulakshmi Salai
Adyar, Chennai-20.

6. P.Venkatesan.

... Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus to forbear
respondents 1 to 5 from locating the TASMAC wine shop at

premises bearing Old Door No.6, New Door No.11, Ellayamman Koil Street, Adyar, Chennai-20 by considering and passing orders on the representation of the first petitioner dated 13.1.2015.

For Petitioners : Mr.K.Selvaraj

For Respondent-1 : Mr.R.Lakshmi Narayanan,
Additional Government Pleader

For Respondents 2 to 4 : Mr.B.Nedunchezhiyan

O R D E R

Heard the learned counsel on either side.

2. The petitioners are the residents of an area in Adyar and they are aggrieved by the action of respondents 1 to 5 in proposing to locate a wine shop at Old Door No.6, New Door No.11, Ellayamman Koil street, Adyar, Chennai-20.

3. In the light of the interim order granted in this writ petition, the shop in question is yet to be opened. According to the petitioners, the proposed location is clearly in contravention of the distance rule specified under the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. In this regard, the petitioners gave representations to the Authorities. Since no action was taken on those representations, the petitioners have approached this Court.

4. In the light of the above, the writ petition is disposed of with a direction to the first respondent to nominate a senior officer for inspecting the proposed location and to examine as to whether the proposed shop violates the distance rule. This exercise needs to be carried out only if the respondent corporation is intending to locate the wine shop in the said premises. It is made clear that this observation is made in the light of the recent policy decision taken by the Government to reduce the number of liquor shops. Till orders are passed by the first respondent, the shop shall not be located in the said place. No costs. Consequently, the above MP is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Chennai District,
Rajaji Salai, Chennai-1.
- 2.The Managing Director,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
"Thalamuthu Natarajan Maaligai",
Gandhi Irwin Road,
Egmore, Chennai-8.
- 3.The Senior Manager,
Tamil Nadu State Marketing Corporation Limited
(TASMAC), LLA Buildings,
Anna Salai, Chennai-2.
- 4.The District Manager,
Tamil Nadu State Marketing Corporation Limited
(TASMAC), Chennai South,
No.B-4 Industrial Estate,
Ambattur, Chennai-58.
- 5.The Executive Engineer - I,
Corporation of Chennai,
Zonal Office XIII,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai-20.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.28995
+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.29195

सत्यमेव जयते

W.P.No.3032 of 2015
and
M.P.No.1 of 2015

CA(CO)
CA(14/06/2016)

WEB COPY