

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.07.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.23289 of 2016

Ashish Nawalgaria

... Petitioner

Versus

1.Union of India
represented by its Secretary
Ministry of Road, Transport and Highways
Pariwahan Bhavan
1, Sansad Marg,
New Delhi 110001.

2.State of Tamilnadu
represented by its Secretary
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.

3.State of Tamilnadu
represented by its Secretary
Highways Department,
Secretariat, Fort St.George,
Chennai 600 009.

4.Tamil Nadu State Marketing Corporation Ltd.,
rep. by its Managing Director,
CMDA Tower II, IV Floor,
Gandhi Irwin road, Egmore,
Chennai 600008.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents to shift the location of the proposed liquor shop away from Ward No.55, Venugopal Layout, Dhandapani Street, Papanaiickenpalayam and to some other non-objectionable area.

For Petitioner ::: Mr.Madhan Babu
for Mr.Subhang P.Nair
For Respondents ::: Mr.K.Raju
CGSA for R.1
Mr.B.Nedunchezian for TASMAG
for R.4
Mr.S.T.S.Murthi
Government Pleader
assisted by Mr.V.Shanmugasundaram
Government Advocate for R.2 and R.3

O R D E R

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

The allegation of the petitioner is that the liquor shop is existing within the Municipal Corporation limit and the prayer is made for shifting the location of the liquor shop to some other location near the State or National Highways, though it has been in existence for quite some time.

2. Learned counsel for the 4th respondent states that an inspection will be carried out and it shall be verified whether there is any alleged infringement of Rule 8 of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003 or the norms for Highways.

3. The aforesaid exercise be undertaken within a maximum period of one month from today and a decision be taken after notice to all concerned.

4. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs. Consequently, connected WMP is closed.

5. Compliance report be filed three days prior to next date of hearing.

List for compliance on 16th September, 2016.

-s/d-

Assistant Registrar

True Copy

Sub-Assitant Registrar

To

1.The Secretary,Union of India,
Ministry of Road, Transport and Highways
Pariwahan Bhavan, 1, Sansad Marg,
New Delhi 110001.

2.The Secretary, State of Tamilnadu
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.

3.The Secretary, State of Tamilnadu,
Highways Department, Secretariat, Fort St.George,
Chennai 600 009.

4.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower II, IV Floor,
Gandhi Irwin road, Egmore,
Chennai 600008.

+1 cc to Mr.Sathish Parasaran Advocate sr.38456
+1 cc to Mr.K.Raju CGSC sr.38311
+1 cc to Government Pleader sr.38179
+1 cc to Mr.B.Nedunchezhiyan Advocate sr.38123

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