

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.28596 of 2016

Mr.B.Arunraj

S/o.T.Balan

Flat No.15, Eswari Apartments,
Kalakshetra Road

Thiruvanmiyur, Chennai - 41.

.. Petitioner

..Vs..

1.The Chairman

Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II, IV Floor, Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.

2.The Managing Director

Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II, IV Floor, Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.

3.The District Manager Chennai [South]

IMFS Depot TASMAL Ltd., TASC Unit,
B4 Flats, Industrial Estate, Ambattur, Chennai - 600 058.

4.The Principal Secretary to Government

Home, Prohibition and Excise Dept.,
Secretariat, Fort St. George, Chennai - 600 009.

5.The Commissioner of Prohibition and Excise,

Chepauk, Chennai - 600 005.

6.The District Collector

Chennai Collectorate Building, Rajaji Salai,
Chennai - 600 001.

.. Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent herein for the closure and removal of the TASMAL shop

no.936 located near the MTC bus terminus in Foreshore Estate.

For Petitioner : Mr.Nithyaesh Natraj

For Respondents: Mr.B.Nedunchezian, for R1 to R3
Standing Counsel

Mr.S.Diwakar, for R4 to R6
Special Government Pleader

ORDER

Heard Mr.Nithyaesh Natraj, learned counsel for the petitioner, Mr.B.Nedunchezian, learned standing counsel appearing for the respondents 1 to 3 and Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents 4 to 6 and with the consent of either side, the writ petition is taken up for disposal.

2.This writ petition has been filed for issuance of a writ of mandamus directing the respondents herein for closure and removal of the TASMAC shop no.936, located near the MTC terminus in foreshore estate. The petitioner's case is that the shop is located within the prohibited distance in terms of Rule 8 of the Tamil Nadu Liquor Retail Vending (Shops and Bars) Rules, 2003 as there is a temple situated within 30m from the shop in question.

3.Apart from that, the foreshore estate MTC terminus is located very near the shop and recently an accident occurred in the area, in which a private school teacher was killed after she was knocked down by a person who has reportedly consumed liquor from the said TASMAC outlet.

4.Mr.B.Nedunchezian, learned standing counsel for the respondent TASMAC submitted that the shop has been closed on 02.07.2016.

5.In the light of the above, the writ petition is disposed of by recording the submission made on behalf of the TASMAC and making it clear that in the said area, TASMAC shall not locate any retail vending liquor shop considering the area in question, apart from the location of the MTC Bus terminus and residential flats.

6.With the above observations and directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registra

p9p

To

- 1.The Chairman
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II, IV Floor, Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.
- 2.The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II, IV Floor, Gandhi Irwin Bridge Road
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- 6.The District Collector
Chennai Collectorate Building, Rajaji Salai,
Chennai - 600 001.

2 ccs to M/s.Nithyaesh and Vaibhav, Advocates, sr.46870

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