

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.04.2017
CORAM:
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
W.P.No.9071 of 2017
and
WMP No.10002 of 2017

Murugesan

... PETITIONER

Vs

1.The District Collector,
Salem.

2.The District Manager,
IMFS Depot, TASMAL Ltd.,
2/43B-Doctors Colony,
Salem 636 005.

... RESPONDENTS

Prayer:-Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to forbear the respondents or their men or agents from establishing the TASMAL wine shop or store area of TASMAL goods or TASMAL Bar in the public children play area existing in Survey No.34/1 Part at Ayyothiyapattinam village, Salem District.

For Petitioner : Mr.R.Nalliyappan

For Respondents: Mr.Akhil Akbar Ali
Government Advocate for R1
Mr.B.Nedunchezhiyan for R2

सत्यमेव जयते
ORDER

This writ petition is filed seeking for a mandamus forbearing the respondents from establishing the TASMAL shop or Tasmal bar in the public children play area situated at Survey No.34/1 Part at Ayyothiyapattinam village, Salem District.

2.The grievance of the petitioner is that the respondents are trying to relocate the shop No.7148 after closing the same in compliance with the order passed by the Hon'ble Supreme Court and such proposed re-relocation lies within the children park.

3.Learned counsel appearing for the TASMAL today submitted before this court that there is no such proposal to locate such shop in the disputed site and therefore, the apprehension of the petitioner is not well founded. He also produced a copy of the communication sent by the Managing Director of the Tamilnadu State Marketing Corporation Limited dated 12.04.2017, addressed to the learned Advocate General of this court, wherein it is stated as follows:-

"As the Shop No.7148 was situated within 500 meters from the Highway, it was closed and decided to relocate it to a suitable place in compliance with the conditions laid down in the Supreme Court's order and rules framed under the Tamil Nadu Liquor Retail Vending (in shops and Bars) Rules, 2003. The location specified in the Writ Petition, viz., Survey No.34/1, Part at Ayyothiyapattinam, Salem District was not selected and no proposal was sent by the District Manager to the Collector."

4.Since the respondents have come forward to submit before this court that there is no such proposal as apprehended by the petitioner, no further order is necessary in this writ petition except to record the above statement made by the respondents. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CSVIII)

True Copy

Sub-Assistant Registrar

vri

To

1.The District Collector,
Salem.

2.The District Manager,
IMFS Depot, TASMAL Ltd.,
2/43B-Doctors Colony,
Salem 636 005.

+1 cc to Mr.B.Nedunchezian Advocate sr 23065

+1 cc to Mr.R.Nalliappan Advocate sr 22976

W.P.No.9071 of 2017

lrs(co)

aa27/04/2017