

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.07.2017
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.10438 of 2017
and
W.M.P.No.11313 of 2017

Kanchipuram Traders Association,
rep.by its Secretary, S.Raji,
Having Office at No.1,
Anna Platinum Jubilee Commercial Complex,
Railway Road,
Kanchipuram-631 501. ... Petitioner

Vs

- 1.The District Collector,
Kancheepuram,
Kancheepuram District.
- 2.The District Manager,
The Tamil Nadu State Marketing Corporation Limited,
Kanchipuram (South). ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from opening of any liquor shop or bar in "Sivaraman Complex", situated in 2C, Railway Road, Kancheepuram-1.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.A.Sri Jayanthi,
Special Government Pleader for R1
Mr.B.Nedunchezhyan,
Standing Counsel for R2

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ORDER

The petitioner is an Association called as "Kanchipuram Traders Association" registered under the provisions of the Tamil Nadu Societies Registration Act, bearing Registration No.45 of 2011.

2.The petitioner's grievance is with regard to the proposed location of the TASMAC shop in the shopping complex called "Sivaraman Complex". According to the petitioner, the said shopping complex is in the vicinity of Rajaji Market and is at a distance of 150 metres from the State Highway Road to South Tamil Nadu, and that a bar is also proposed to be located in the said shopping complex. In the said shopping complex, there are other shops where groceries, clothes and furnitures etc.are sold and hundreds of customers and retailers visit the shopping complex. Locating the TASMAC shop in the shopping complex, would definitely be against the public interest. Such a representation was given by the petitioner on 12.04.2017 and it is now pending consideration of the first respondent. In the mean while, the second respondent appears to have taken steps to open the shop.

3.In the light of the interim order granted by this Court on 26.04.2017, the shop has not been opened / re-located. Since the petitioner Association has raised objection for the proposed location of the shop, in the fitness of things, the District Collector, should consider their objections before granting permission for locating the shop in the said shopping complex. Accordingly, a direction is issued to the first respondent to consider the petitioner's representation dated 12.04.2017, conduct inspection by one of his subordinates, ascertain the views of the people in the locality, and after taking into consideration all the relevant factors, pass a speaking order on merits and in accordance with law. This exercise has to be completed within a period of four weeks from the date of receipt of a copy of this order. The shop in question shall not be opened by the second respondent without appropriate orders of the first respondent. The petitioner is directed to forward a copy of his representation along with a copy of this order to the first respondent for due compliance.

4.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kancheepuram, Kancheepuram District.

2.The District Manager,
The Tamil Nadu State Marketing Corporation Limited,
Kanchipuram (South).

+1 cc to M/s.V.Raghavachari Advocate sr 46039

+1 cc to M/s.B.Nedunchezhiyan Advocate sr 46148

+1 cc to the Government Pleader sr 46269

W.P.No.10438 of 2017
and
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sj(co)
aa12/07/2017



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