

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2017
Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.31238 of 2017
and
W.M.P.No.34291 of 2017

N. Sasikumar

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai-9.
2. The District Collector,
Nagapattinam District,
District Collectorate,
Nagapattinam- 611 003.
3. The Tahsildar,
Sirkali Taluk,
Nagapattinam District.
4. The Assistant Commissioner, Excise,
Tax on spirits.
Collectorate Master Complex,
Nagapattinam - 611 011.
5. The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Nagapattinam District,
Thirubhuvanam, Nagapattinam District.
6. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
CMDA Tower II, IV Floor,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
7. The Inspector of Police,
Sirkali Police Station,
Nagapattinam District.
8. The Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to shift or to close the TASMAC Shop No.5773, situated at Kadaikadu Village, Neithavasal Post, Sirkali Taluk, Nagapattinam District to any other place in the light of the resolution passed in the Peace Meeting dated 20.07.2017, held between the people of petitioner village and the respondents within a time frame, based on the petitioner's representation, dated 09.11.2017.

For Petitioner : Mr.M.R. Kuyilan

For Respondents
1 to 4, 7 & 8 : Mr. R. Rajeswaran
Special Govt. Pleader

For Respondents 5 and 6 : Mr.B. Nedunchezhiyan

O R D E R

Heard Mr. M.R. Kuyilan, the learned counsel appearing for the petitioner, Mr. R. Rajeswaran, the learned Special Government Pleader for the respondents 1, 2, 3, 4, 7 and 8 and Mr.B. Nedunchezhiyan, the learned counsel for the respondents 5 and 6.

2. The petitioner seeks for a direction upon the respondents to shift the TASMAC retail vending liquor Shop, bearing No.5773, situated at Kadaikadu Village, Neithavasal Post, Sirkali Taluk, Nagapattinam District, to any other place or to close down the same.

3. The petitioner has come forward with this Writ Petition, seeking for the aforementioned relief not only on his behalf, but also on behalf of the other villagers as well. All the villagers, especially, the women have raised a strong protest, regarding the location of the TASMAC retail vending liquor shop, bearing No.5773, and the protest led to agitation and road roko, and ultimately, a Peace Committee meeting was convened by the Officials, and decision was taken to close down the said retail vending liquor shop and a resolution to the said effect was passed on 20.07.2017. Though the Officials were signatory to such resolution, they have not complied with the undertaking given thereunder, which has necessitated the petitioner to approach this Court.

4. The Officials, in their discretion, convened the Peace Committee Meeting, in which, the villagers participated and conscious decision was taken to close down the TASMAC retail vending liquor Shop. After having undertaken to do so, especially, when the TASMAC was a party to such resolution, the Official respondents are bound to strictly adhere to what was agreed upon. If the Officials fail to implement the agreed resolution, it would result in a chaotic situation in the village. Therefore, this Court has no hesitation to hold that the shop has to be closed.

5. Accordingly, this Writ Petition is allowed, and the respondents are directed to close down the TASMAC retail vending liquor shop, bearing No.5773, situated at Kadaikadu Village, Neithavasal Post, Sirkali Taluk, in Nagapattinam District, as agreed to in the Peace Committee meeting held on 20.07.2017, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

sd

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai-9.
2. The District Collector,
Nagapattinam District,
District Collectorate,
Nagapattinam- 611 003.
3. The Tahsildar,
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4. The Assistant Commissioner, Excise,
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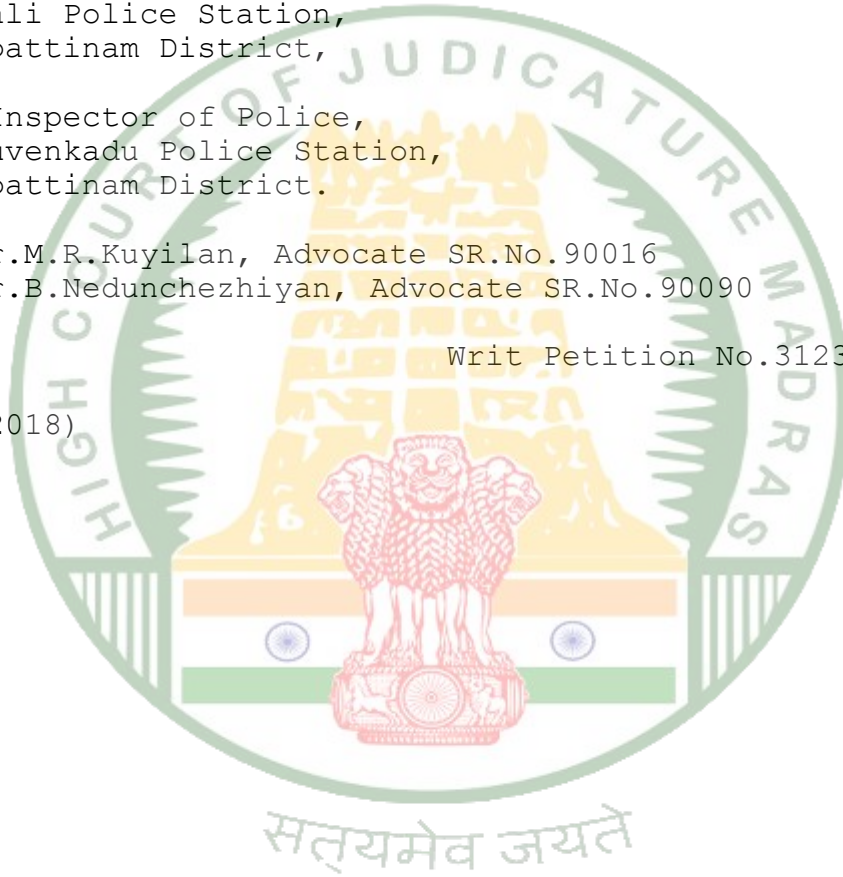
5. The District Manager,
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Thirubhuvanam, Nagapattinam District.
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8. The Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District.

+1cc to Mr.M.R.Kuyilan, Advocate SR.No.90016

+1cc to Mr.B.Nedunchezhiyan, Advocate SR.No.90090

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SSI (CO)
GN(12/01/2018)



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