

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.20776 of 2017

&

WMP.No.21605 of 2017

Rajiv Nagar Housing and
Welfare Association
Rep by its Secretary
J.Logesh
Plot No.1/60, Rajiv Nagar
Pallikuppam
Thiruverkadu Post
Chennai - 77.

... Petitioner

Vs.

1.The District Collector,
Thiruvallur,
Thiruvallur District.

2.Tamil Nadu State Marketing Corporation Limited (TASMAC)
Rep by its General Manager
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road
Egmore, Chennai 600 008.

3.The District Manager, सत्यमेव जयते
TASMAC
Tiruvallur.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for records on the file of the 3rd respondent in SE.MU.KA.No.A4/7733/2017 dated 15.07.2017 and quash the same and further direct the Respondents, not to set up the proposed TASMAC shop at No.111/2C, MGR Street, Rajiv Nagar, Noombal, Chennai -77.

For Petitioner : Mr.Selvakumar

For Respondents : Ms.A.Srijayanthi
Special Govt. Pleader
for R1

Mr.Arumugarajan(For R2, R3)

O R D E R

Heard Mr.Selvakumar, learned counsel appearing for the petitioner, Ms.A.Srijayanthi, learned Special Government Pleader appearing on behalf of 1st respondent and Mr.Arumugarajan, learned counsel appearing for 2nd and 3rd respondents. With consent of the learned counsel appearing for both sides, the writ petition itself is taken up for final disposal.

2. The petitioner is a Resident Welfare Association, which has been formed for safeguarding the interests of the persons, who have built houses in Rajiv Nagar, Pallikuppam, Thiruverkadu Post.

3. The petitioner is objecting to the location of a TASMAL Liquor Retail Vending Shop, bearing Shop No.8791.

4. The learned counsel for the writ petitioner has produced a rough sketch, showing that the area is a densely populated area; there are houses, small industrial units, schools, temples, etc., and respondents 2 and 3 / TASMAL has located the shop in the midst of the residential area.

5. The learned standing counsel appearing for respondents 2 and 3 / TASMAL has produced, before this Court, a sketch and two photographs to show that the area is a vacant area two agricultural lands, adjoining the shop and it is not the thickly populated. However by exercising jurisdiction under Article 226 of the Constitution of India, this Court cannot make a roaming enquiry as to whether the area is is thickly populated or otherwise. The 1st respondent / District Collector, being the competent authority, to decide as to whether the suitability of the location for establishing the retail vending liquor shop, should take a decision in the matter.

6. Accordingly, the writ petition is disposed of, by directing the first respondent to authorise one of his competent officers to conduct a surprise inspection of the shop in question and on receiving the report of such surprise inspection, the first respondent is directed to pass appropriate

orders on merits and in accordance with law. The above directions shall be complied with within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Thiruvallur,
Thiruvallur District.
 - 2.Tamil Nadu State Marketing Corporation Limited (TASMAC)
Rep by its General Manager
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road
Egmore, Chennai 600 008.
 - 3.The District Manager,
TASMAC
Tiruvallur.
- +1cc to Selvakumar, Advocate sr.62197
+1cc to P.Arumugarajan, Advocate sr.61242
+1cc to Government Pleader sr.61963

W.P.No.20776 of 2017

ss(4/10/2017)

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