

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.20890 of 2017  
and W.M.P.No.21766 of 2017

U.Mohamed Rafik

.. Petitioner

Vs.

1. State of Tamil Nadu,  
Rep. by its Secretary,  
Fort. St. George,  
Chennai - 600 009.
2. The District Collector,  
Singaravelan Maligai,  
No.62, Rajaji Salai,  
Chennai - 600 001.
3. The Managing Director,  
Tamil Nadu State Marketing Corporation Ltd.,  
CMDA Tower II, 4<sup>th</sup> Floor,  
Egmore, Chennai - 600 008.
4. The District Manager,  
Chennai (Central),  
II Floor, LLA Building,  
No.735, Anna Salai,  
Chennai - 600 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 herein to close the existing TASMAL outlet (Elite Wine Shop) being run by the respondents 1 to 4 situated at No.B-4, Basement, Alsa Mall, Montieth Road, Egmore, Chennai.

|                |    |                    |
|----------------|----|--------------------|
| For Petitioner | .. | Mr.J.Karthik       |
| For R1 & R2    | .. | Ms.M.Lalitha       |
| For R3 & R4    | .. | Mr.K.Sathish Kumar |

ORDER

Heard Mr.J.Karthik, learned counsel for the petitioner, Ms.M.Lalitha, learned Government Advocate taking notice for the respondents 1 and 2 and Mr.K.Sathish Kumar, learned Standing Counsel taking notice for the respondents 3 and 4.

2. By consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner, who is carrying on business under the name and style of Rainbow Gems & Jewellery in a shopping Mall named 'Alsa Mall' at Door No.4/149, Montieth Road, Egmore, Chennai-600 008, is aggrieved by the location of a TASMAC shop in the said shopping Mall. It is not in dispute that the shop has been in existence for nearly 5 years.

4. However, the petitioner has approached this Court at this juncture with the present petition, stating that there is a plan for extending the shop by acquiring one shop adjacent to the existing shop. The petitioner would state that there is a Muslim Prayer Hall located in the top floor of the Mall and the worshipers therein, are not only the shop owners, but also the general public.

5. The learned standing counsel for the respondent - TASMAC submitted that the said prayer Hall would not fall within the scope of definition "place of worship" as defined under the Rules.

6. In any event, a representation in this regard, is pending before the second respondent - District Collector, Chennai, who shall consider the same by conducting surprise inspection of the shopping Mall and after noting down the physical features of the same, pass orders on merits and in accordance with law. Till the second respondent passes an order on the representation submitted by the petitioner, the respondent - TASMAC shall not open a new shop or expand the shop already in existence, in the said shopping Mall.

7. With these observations, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rk

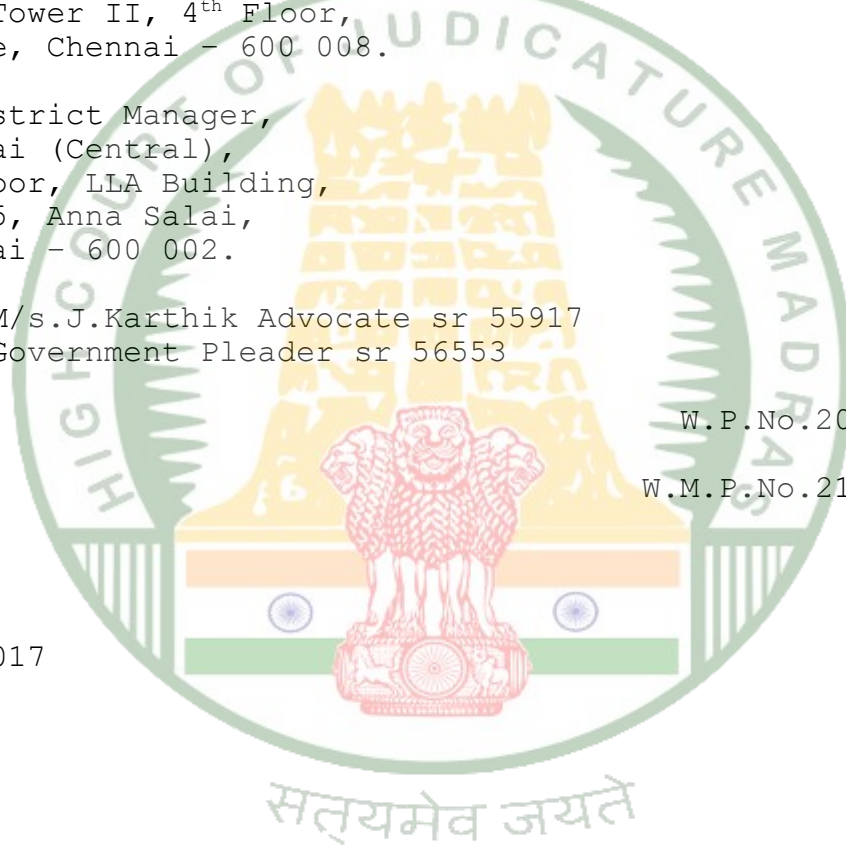
To

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+1 cc to M/s.J.Karthik Advocate sr 55917  
+1 cc to Government Pleader sr 56553

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