

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE K. KALYANASUNDRAM

AND

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 12354 of 2017 and
W.M.P. 13116 of 2017

S.V.Sankar

.... Petitioner

Vs

1. The State of Tamil Nadu
Represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The District Collector,
District Collectorate,
Salem District.

... Respondents

Prayer:

Writ petition is filed under 226 of Constitution of India to issue a Writ of Mandamus forbearing the respondents from relocating or establishing a TASMAL liquor shop at or nearby Sri Annamarswamy kovil, Melthalayariyur, Kadayampatti Taluk, Salem District detrimental to petitioner's right to life, peaceful worship and safety of the Temple after considering the petitioner's representation dated 05.05.2017.

For Petitioner :Mr.M.Elango

For Respondents :Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

(Order of the Court was delivered by K. KALYANASUNDRAM J.,)

The writ petition has been filed to forbear the respondents from relocating or establishing a TASMAL liquor shop at or nearby Sri Annamarswamy kovil, Melthalayariyur, Kadayampatti Taluk, Salem District detrimental to petitioner's right to life, peaceful worship and safety of the Temple after considering the petitioner's representation dated 05.05.2017.

2. By consent, this Writ Petition is taken up for final disposal.

3. The case of the petitioner is that he is the Dharmakratha of Sri Annamarswamy Temple in Melthalayariyur, Kadayampatti Taluk in Salem District. The first respondent proposed to locate the TASMAL shop nearby the Temple which was objected to and reported in News paper. In this regard, the petitioner submitted a representation to the second respondent, raising objection to the location of the shop nearby the hereditary Temple on 05.05.2017. But, till date the second respondent has not passed any order and he is attempting to locate the shop nearby Sri Annamar Temple. Hence, the petitioner has come forward with this Writ petition seeking for the aforesaid relief.

4. At this stage of the hearing of the Writ Petition, the learned counsel appearing for the petitioner would submit that the second respondent may be directed to dispose of the representation of the petitioner dated 05.05.2017, on merits and in accordance with law, within a stipulated time.

5. The learned Additional Government Pleader appearing for the respondents has stated no objection for such an order being passed by this Court.

6. In view of the submissions made by the learned counsel appearing on either side, without expressing any opinion any opinion on the merits of the case, this Court directs the second respondent to consider the representation of the petitioner dated 05.05.2017 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

arr
To

1. The Secretary to Government,
The State of Tamil Nadu
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The District Collector,
District Collectorate,
Salem District.

+1cc to Mr.M.Elango, Advocate Sr.37323
+1cc to Mr.B.Nedunchezhiyan, Advocate Sr.37320

W.P. No. 12354 of 2017 and
W.M.P. 13116 of 2017

kk[co]
srg 16/05/2017

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