

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2017

CORAM:

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

Writ Petition No.22055 of 2017
& W.M.P.No.23107 of 2017

R.Ravichandar

... Petitioner

..vs..

1. The District Collector,
Collector Office, Kancheepuram
2. The General Manager,
TASMAC Limited, Chennai - 8
3. The District Manager, TASMAC Limited,
Kancheepuram, Kancheepuram District ... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to forbear the respondents from locating any TASMAC Liquor vending Shop / Bar in Nanmangalam Village, Kancheepuram District.

For Petitioner : Mr. G.Rajan

For Respondents : Mrs.A.Srijayanthi,
Spl.G.P., for R-1,
Mr. Arumugha Rajan, for R-2 & R-3

O R D E R

Heard Mr.G.Rajan, learned counsel appearing for the petitioner, Mrs. A.Srijayanthi, learned Special Government Pleader appearing for the first respondent and Mr.Arumugha Rajan, learned Standing Counsel, appearing for the second and third respondents. With consent of the learned counsel for both sides, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner is before this Court, objecting to the opening of the TASMAC shop, in the proposed location of Kancheepuram Town. The petitioner would state that the proposed TASMAC shop violates the distance rules, as there are educational institutions and places of worship, etc., well within the prohibited distance of the proposed location. Most importantly, the petitioner states that there are already three TASMAC Retail Vending Shops with Bar attached in close

proximity to the proposed location. It is stated that all the three shops, which are located in the distance between 50 and 300 Mts, have been opened during July 2017 and by opening the fourth shop in the same area will be prejudicial to Public Interest. In this regard, a representation is pending before the District Collector, dated 03.08.2017, which is not only been sent by the petitioner, but by several others, who have also given their mobile phone numbers. Thus, there appears to be objections raised by the public.

3. It may be true that, if there is no violation of the distance rules, the Court cannot direct the respondents to close down the shop. Nevertheless, considering the peculiar facts of the case, as it has been represented and not disputed by the respondent, that already three shops are located in the same area, which have been recently opened, i.e., in July 2017, the respondents should take a pragmatic view of the matter and it would be in the Public Interest to desist from opening one more shop in the same area, in close proximity, with other three shops.

4. Since the representation given to the District Collector is still pending, this Court is inclined to issue appropriate directions to the first respondent. Accordingly, the writ petition is disposed of, by directing the first respondent to issue directions for a surprise inspection to be conducted by one of his Officers and ascertain as to where other three shops, which have been opened in July 2017 are located and also conduct an inspection of the area, where the proposed shop is to be located and based on the report submitted by the Inspecting Officer, the first respondent shall take a pragmatic decision on the representation, dated 03.08.2017, within a period of ten days from the date of receipt of a copy of this order. Till such decision is taken by the first respondent, the new shop, as proposed by the respondents 2 and 3, shall not be opened. The petitioner is directed to enclose a copy of the representation, along with the copy of this order and submit the same to the first respondent for effective compliance of the direction.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

srk

To

1. The District Collector,
Collector Office, Kancheepuram
2. The General Manager,
TASMAC Limited, Chennai - 8
3. The District Manager, TASMAC Limited,
Kancheepuram, Kancheepuram District

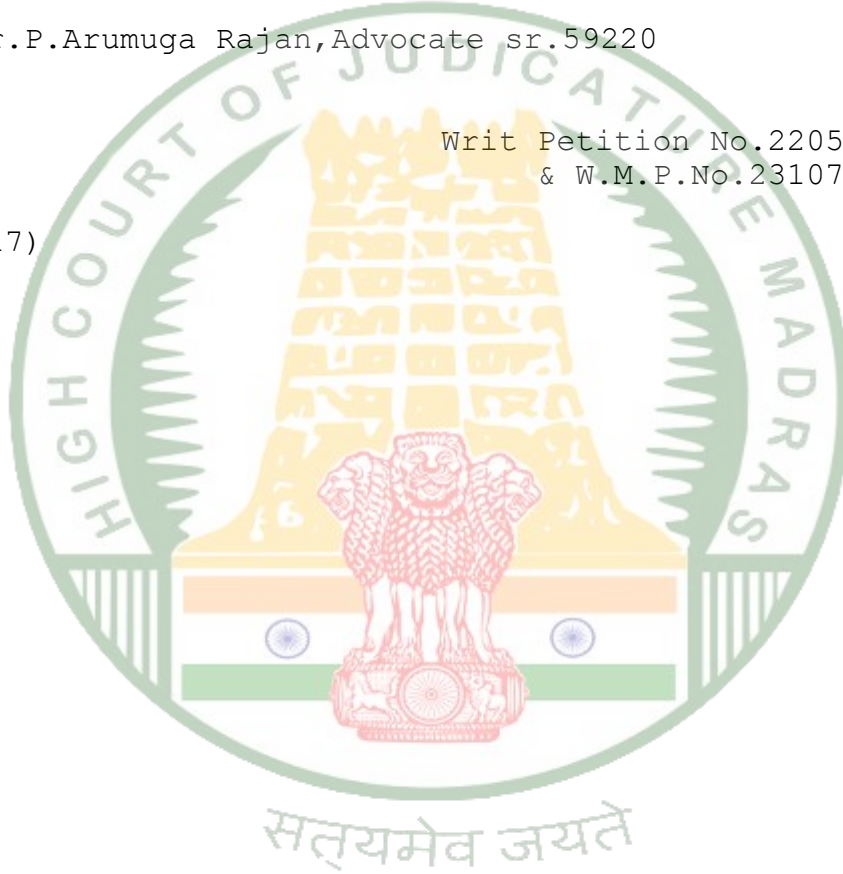
+1cc to Government Pleader sr.59954

+1cc to Mr.G.Rajan,Advocate sr.59360

+1cc to Mr.P.Arumuga Rajan,Advocate sr.59220

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ss(6/9/2017)



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