

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2017

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12768 of 2017

and W.M.P.No.13623 of 2017

V.Prabakaran ... Petitioner

Vs.

- 1 The District Collector
Salem District, Salem.
 - 2 The Sub Collector,
Mettur Revenue Division,
Mettur Dam, Salem District.
 - 3 The District Manager
TASMAC Limited
Salem District, Salem.
 - 4 The Sub-Inspector of Police
Nangavalli Police Station
Nangavalli, Salem District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the respondents from establishing or re-locating the Tasmac shop in Vandimedu, Virudhasampatti, Kuttapatti Village, Ward No.II, Mettur Taluk, Salem District or its adjoin area of the said village.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1, 2 & 4
: Mr.K.Venkataramani
Addl. Advocate General
assisted by
Mr.B.Nedunchezhiyan for R-3

ORDER

(Order of the Court was made by R.Mahadevan,J.)

The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing the respondents from from establishing or re-locating the Tasmac shop in Vandimedu, Virudhasampatti, Kuttapatti Village, Ward No.II, Mettur Taluk, Salem District or its adjoin area of the said village.

2. Objecting to the opening of a TASMAC Shop in the said place, the petitioner made a representation on 08.05.2017 with signatures of hundreds of villagers. Since the said representation was not considered, the petitioner has filed this writ petition for the relief stated supra.

3. It is the case of the petitioner that the Supreme Court has laid down guidelines for establishing or running liquor shops and, therefore, any decision taken by the respondents should be in line with the decision of the Supreme Court in Civil Appeal Nos.12614 - 12616 of 2016 (Order dated 15.12.2016, clarified by order dated 31.3.2017).

4. On the other hand, the learned Additional Advocate General appearing on behalf of the third respondent/TASMAC, by producing the communication dated 17.05.2017 of the third respondent, submitted that the objections of the villagers for opening of the TASMAC shop, are under consideration.

5.To give a quietus to the issue, we direct the respondent authorities to consider the representation dated 08.05.2017 submitted by the petitioner, after granting due opportunity of hearing to the petitioner as well as any of the interested parties and pass appropriate orders in line with the decision of the Supreme Court, referred supra and also as per Rule 8 of the Tamil Nadu Liquor Retail Vending (Inshops and Bars) Rules, 2003. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It is made clear that till the disposal of the representation of the petitioner, the TASMAC Shop shall not be opened.

The writ petition is disposed of accordingly. No costs.
Consequently, W.M.P.No.13623 of 2017 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sra

To:

- 1 The District Collector
Salem District, Salem.
- 2 The Sub Collector,
Mettur Revenue Division,
Mettur Dam, Salem District.
3. The District Manager
TASMAC Limited
Salem District, Salem.
- 4 The Sub-Inspector of Police
Nangavalli Police Station
Nangavalli, Salem District.

+1cc to Mr.M.R. Jothimanian, Advocate Sr. 37755

+1cc to Mr.B. Nedunchezhiyan, Advocate Sr. 37672

W.P.No.12768 of 2017

NM(CO)
VR(24/5/2017)

सत्यमेव जयते

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