

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P. No. 22749 of 2017

&

W.M.P. No. 23866 of 2017

S. Ganesan

..Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The District Manager,
Tamil Nadu State Marketing Corporation,
Kancheepuram South,
Kancheepuram District.

3. The Assistant Commissioner,
Prohibition and Excise,
Kancheepuram.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for
issue of a Writ of Mandamus forbearing the 1st and 2nd respondents from closing
Shop No. 4046 in Mamandur Village, Kancheepuram District.

For Petitioner :: Mr.K. Balaji

For Respondents :: Mrs.A. Srijayanthi
Spl.Govt. Pleader
for R1
Mr.Arumugharajan for R2 & R3

O R D E R

Heard Mr.K. Balaji, learned counsel for the petitioner, Mr. Arumugharajan, learned Standing Counsel appearing for TASMAC & R3 and Mrs.A. Srijayanthi, learned Special Government Pleader for respondent 1.

2. The petitioner is the owner of the premises where the respondent TASMAC has established a retail vending liquor shop bearing Shop No. 4046, which is situated in Mamundur Village, Kancheepuram District. The petitioner constructed a building to be let out for establishing the shop and in turn, the respondent TASMAC has given licence to the petitioner to sell eatables and to collect empty bottles and cartons in the bar attached to TASMAC Shop bearing No. 4046. It appears that on account of public agitation in the locality, the District Collector has passed an order on 28.07.2017 directing closure of the shop and simultaneously to shift the shop to an unobjectionable location. The petitioner is aggrieved by the order of shifting, which has a dual impact on the petitioner, namely, that his lease in respect of the shop would stand terminated and his licence is also liable to be terminated.

3. So far as the aspect relating to lease of shop is concerned, that being purely a civil transaction between the petitioner and respondent TASMAC, the same cannot be the subject matter of adjudication in a writ

petition. Faced with this situation, the petitioner could reconcile the same before the appropriate forum.

4. At this juncture, the learned counsel for the petitioner would submit that atleast the licence granted to the petitioner may be protected.

5. Considering the above submission made by the learned counsel for the petitioner, the writ petition stands disposed of by holding that the 2nd respondent is entitled to shift the TASMAL Shop bearing No. 4046 to any other unobjectionable location and while re-locating the shop, the petitioner shall be continued as a licensee for selling eatables and collecting empty bottles and cartons in the bar attached to the said liquor shop in the new location. No costs. Connected W.M.P. is closed.

04.09.2017

nv/sai

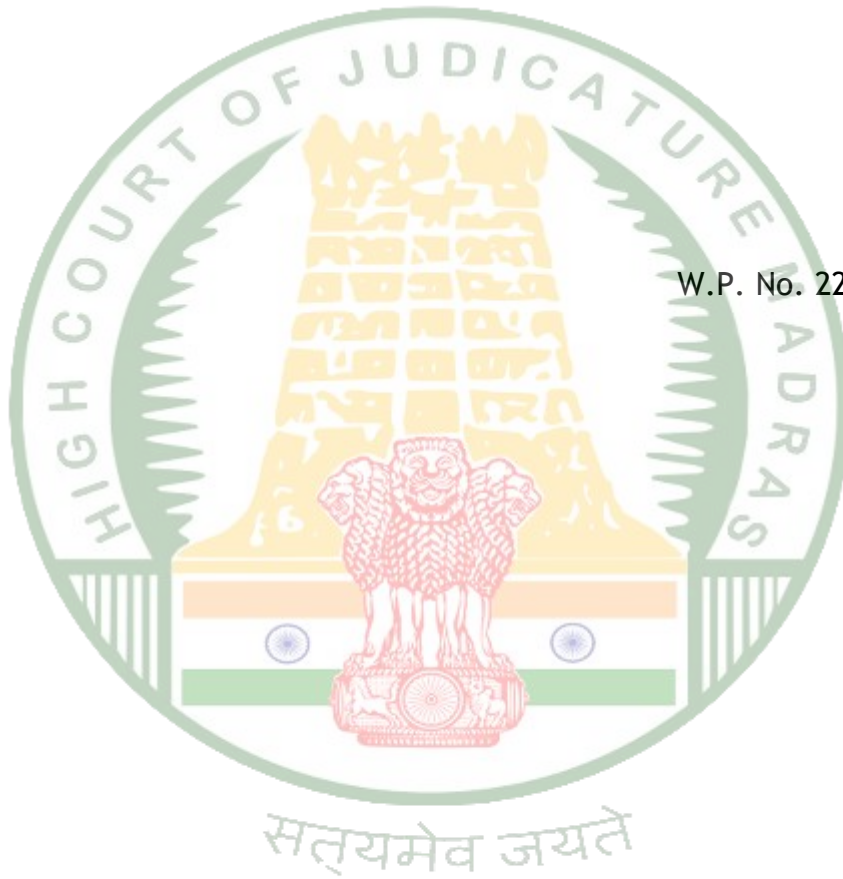
To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The District Manager,
Tamil Nadu State Marketing Corporation,
Kancheepuram South,
Kancheepuram District.

T.S. SIVAGNANAM,J.

nv

3. The Assistant Commissioner,
Prohibition and Excise,
Kancheepuram.



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