

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.13465 of 2017
and W.M.P.No.14518 of 2017

Arumugam

.. Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The District Manager,
Tasmac Limited,
Kakalur Industrial Estate,
Thiruvallur,
Thiruvallur District.
3. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from running the Tasmac Shop No.8865 in at No.44, Sridevi Garden Road, Valasaravakkam, Chennai - 600 087 or its adjoin area of the said locality.

For Petitioner : Mr.Jothimanian
for M/s.K.Balu

For Respondents : R.Vijayakumar
Addl. Government Pleader
for respondents 1 to 3

Mr.Venkataramani
Addl. Advocate General
assisted by
Mr.John Kennedy
for 2nd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition is directed against re-location/establishment of a liquor shop at No.44, Sridevi Garden Road, Valasaravakkam, Chennai-600 087. On the face of the averments in the writ petition, the petitioner has not been able to show infringement of any provision of law in setting up a liquor shop in the village of the petitioner. In the absence of any allegation of contravention of any statutory rule or regulation, interference of Writ Court is not warranted.

2. Learned counsel appearing on behalf of the petitioner has cited a Division Bench judgment of this Court in G.Kanaga Bai v. The District Collector, Kanyakumari District and others, reported in 2013- (5) CTC 141. The judgment is not an authority for the proposition that a liquor shop can in no circumstances be set up if there is an objection from the residents. In the aforesaid case, the TASMAL shop was opened in Survey No.81-1A1B in Sankurutti Village, Adaikakuzhy Post, Vilavancode Taluk, Kanyakumari District. The Court found that the shop was located very near Sankurutti bus stand within 80 metres of St. Thomas M.S.C. Middle School as also Boothanathan temple and within 50 metres of Shrine Catholic Church and CSI Church. In other words, there was a clear prima facie finding of contravention of vending rules in setting up the liquor shop. The judgment is, thus, clearly distinguishable.

3. In the instant case, as observed above, there is no specific allegation of contravention of any statutory rule or regulation. This is admitted. In the circumstances, we decline to interfere in the matter.

4. The writ petition is, thus, dismissed. No costs. Consequently, W.M.P.No.14518 of 2017 is closed.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To:

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The District Manager,
Tasmac Limited,
Kakalur Industrial Estate,
Thiruvallur,
Thiruvallur District.
3. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Chennai.

+1cc to Mr.B.Nedunchezhiyan, Advocate in Sr.No.39711

W.P.No.13465 of 2017

PA(CO)
NR(14/06/2017)



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