

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.13474 of 2017
and W.M.P.Nos.14546 & 14547 of 2017

Thendral Selvaraj ... Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
 2. The Commissioner,
Prohibition and Excise Department,
Ezhilagam Building,
Kamarajar Salai,
Chennai - 600 005.
 3. The District Collector,
Coimbatore District,
Coimbatore.
 4. The Superintendent of Police,
Coimbatore District,
Coimbatore.
 5. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Coimbatore District,
Coimbatore.
 6. The Inspector of Police,
Gomangalam Police Station,
Coimbatore District.
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 3 to 6 to close the TASMAR Shop No.2294 and Bar

located at Thippampatti Village, Pollachi Taluk, Coimbatore District pursuant to the petitioner's representation dated 20.05.2017 and take a decision as per the judgment of the Division Bench of this Hon'ble Court dated 16.11.2016 made in W.P.(MD) No.20063 of 2015 and also the judgment of the Supreme Court of India dated 31.3.2017 made in Civil Appeal No.12164-12166 of 2016.

For Petitioner : Mr.K.Krishnan

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondents 1, 2, 3,4 & 6

Mr.K.Venkataramani
Addl. Advocate General
assisted by
Mr.John Kennedy
for 5th respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)
This writ petition seeks to direct the respondent authorities to close down liquor shop (Shop No.2294 and Bar) at Thippampatti Village, Pollachi Taluk, Coimbatore District. On the face of the averments in the writ petition, the petitioner has not been able to show infringements of any provision of law in running the 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.Nos.14546 & 14547 of 2017 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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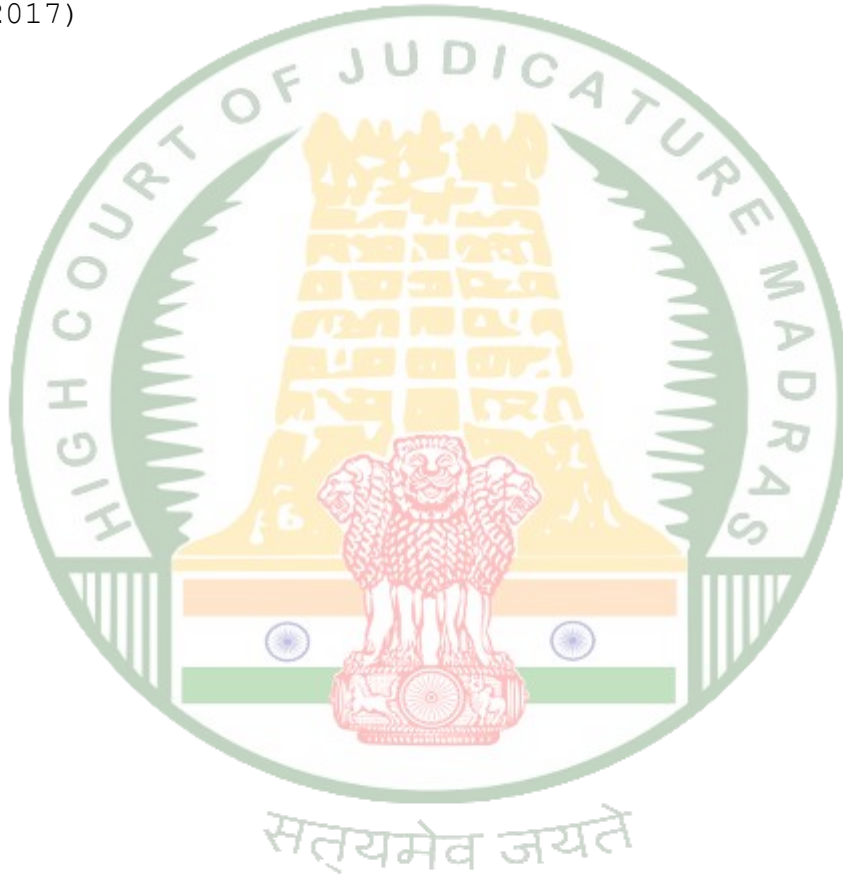
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+1cc to Mr.M.John Kennady, Advocate Sr. 39830 (20.06.2017)

W.P.No.13474 of 2017

VR(13/06/2017)



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