

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.13642 of 2017
and W.M.P.Nos.14827 & 14828 of 2017

1. P.C.Kondappan
2. C.Jayakumar .. Petitioners

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Manager,
Tamilnadu State Marketing Corporation Limited,
(TASMAC)
Tiruppur.
3. The Deputy Commissioner Excise,
R.No.129, District Collector Office,
Tiruppur.
4. The Tahsildar,
Tiruppur North Taluk,
Tiruppur.
5. The Special Officer,
Pongupalayam Panchayat,
Tiruppur. .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 1 to 4 herein from establishing a TASMAC Liquor shop with Bar in the limits of Pongupalayam Village, Tiruppur North Taluk and District, following the Resolution bearing No.21/2017 passed on 1.5.2017 by the Gram Sabha.

For Petitioners

: Mr.K.Govi Ganesan

For Respondents

: Mr.M.K.Subramanian
Spl Government Pleader
for respondents 1, 3 & 4

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

Ms.Vasudha Thiagarajan
Addl. Government Pleader
for 5th respondent

ORDER

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

This writ petition is directed against re-location of a liquor shop from the vicinity of National Highway to the village of the petitioner. 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.Nos.14827 & 14828 of 2017 are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To:

1. The District Collector,
Tiruppur District, Tiruppur.
2. The District Manager,
Tamilnadu State Marketing Corporation Limited,
(TASMAC)
Tiruppur.
3. The Deputy Commissioner Excise,
R.No.129, District Collector Office,
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4. The Tahsildar,
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5. The Special Officer,
Pongupalayam Panchayat,
Tiruppur.

+1 cC to Mr.M. John Kennedy, Advocate sr 39832

+1 CC to M/s. K. Govi Ganesan, Advocate sr 39698

W.P.No.13642 of 2017

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