

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01..09..2017

CORAM

Hon`ble Mr Justice M. SATHYANARAYANAN
and
Hon`ble Mr Justice M.DHANDAPANI

Writ Petition No.23524 of 2017

V.Ranga

..... Petitioner

-Versus-

1. The District Collector,
Chennai District,
Chennai.
2. The District Manager,
TASMAC,
Tamil Nadu State Marketing Corporation,
Chennai District.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondent from opening a TASMAC liquor shop or bar at Pellihaman Koil Street, Ward 180, Taramani, Chennai, in contravention of the Tamil Nadu Retail Vending in Liquor Shops and Bars Rules, 2003.

For Petitioner : Dr.S.Lakshmi

For Respondents : Mr.T.N.Rajagopalan,
Spl. Government Pleader
for R1

Mr.P.Arumugarajan for R2

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ORDER

[Order of the court was made by M.SATHYANARAYANAN.J.,]

By consent, the writ petition itself is taken up for final disposal.

2. This writ petition is filed as a public interest litigation by a resident of No.17, Pillayar Koil Street, Taramani, Chennai 600113 that the 2nd respondent is making an attempt to start a TASMAL Shop at Pelliarnan Koil Street which is within Ward-180, Taramani, Chennai and the location where the proposed TASMAL shop is going to be set up is in a close proximity to Temple known as Pelliarnan Temple and also to a Government School. There were several representations from the public and various political party men in this regard. Taking cognizance of the same, the Tahsildar, Velacherry, has addressed a communication dated 20.07.2017 in letter under reference No.B1/3231/2007 to the 2nd respondent Senior Regional Manager, TASMAL, Chennai as well as to the Deputy Collector (Excise), Chennai, to take appropriate action. In spite of the same, emergent steps are being taken to locate the said shop. Therefore, this writ petition.

3. This court heard the submissions of the learned counsel for the petitioner; the learned Special Government Pleader appearing for the 1st respondent and the learned standing counsel for the 2nd respondent also perused the materials placed before it.

4. The learned counsel for the 2nd respondent, on instructions from the 2nd respondent, would submit that in the light of the communication sent by the Tahsildar, Velacherry dated 20.07.2017, the Senior Regional Manager, TASMAL, Anna Salai, Chennai, the matter is under consideration and until an appropriate decision is taken on the representations, the proposed TASMAL shop will not be opened.

5. This court has considered the rival submissions and also perused the materials. In the light of the communication dated 20.07.2017 addressed to the Senior Regional Manager, TASMAL, Anna Salai, Chennai, expressing his views regarding opening of the proposed liquor shop, the 2nd respondent is directed to consider the representations submitted in this regard by various persons, especially, by the petitioner on merits and in accordance with law and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order. Until such order is passed on those representation, the 2nd respondent shall defer the decision to open the TASMAL shop. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

1.The District Collector, Chennai District, Chennai.

2.The District Manager, TASMAC, Tamil Nadu State Marketing Corporation, Chennai District.

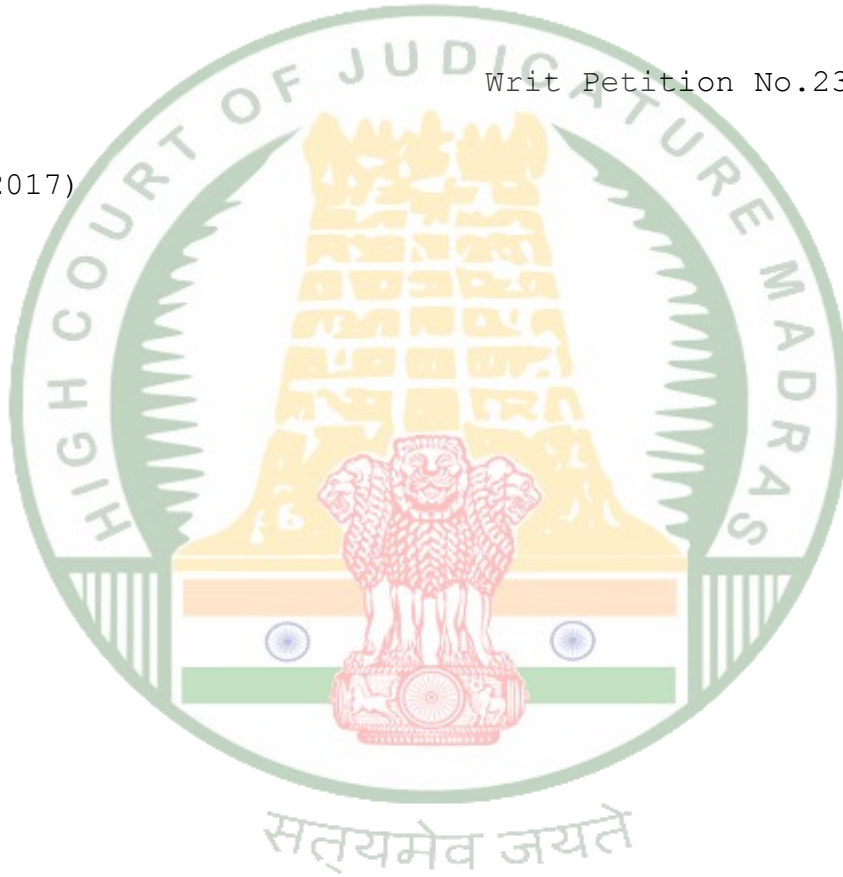
+lcc to Mr.S.Manoharan, Advocate Sr. 63250

+lcc to Mr.P.Arumugarajan, Advocate Sr. 63169

+lcc to the Government Pleader Sr. 63654

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KS (CO)
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