

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.23757 of 2017
and
W.M.P.No.24971 of 2017

A.Chinnakunju

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The District Collector,
Nagapattinam District,
District Collectorate,
Public Office Road,
Nagapattinam - 611 003.
- 3.The Assistant Commissioner, Excise
(Tax on spirits), Ground Floor,
Collectorate Master Complex,
Nagapattinam 611 011.
- 4.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Nagapattinam District at
Thirubhuvanam, Nagapattinam,
Nagapattinam District.
- 5.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
CMDA Tower II, IV Floor,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
- 6.The Tahsildar,
Sirkali Tahsildar Office,
Sirkali, Nagapattinam District.

7.The Inspector of Police,
Sirkali Police Station,
Sirkali, Nagapattinam District.

... Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to close the TASMAC Shop bearing No.5751 situated at Thiruvengkodu Range, Kizhayur Village, Neidhavasal Highway Road to any other place in the light of the Hon'ble Supreme Court order dated 15.12.2016, in The State of Tamil Nadu and others V. K.Balu and others reported in 2017 (2) SCC 281, within a time frame fixed by this Court.

For Petitioner : Mr.M.R.Kuyilan

For RR 1 to 3, 6 & 7 : Mr.R.Rajeswaran
Special Government Pleader

For Respondents 4 & 5 : Mr.B.Nedunchezhiyan

ORDER

The petitioner has filed this writ petition praying for issuance of a writ of mandamus to direct the respondents herein to close the TASMAC Shop bearing No.5751, in the light of the decision of the Hon'ble Supreme Court in the case of State of Tamil Nadu V. K.Balu and others reported in 2017 (2) SCC 281.

2.Primarily, the petitioner came before this Court because a Peace Committee Meeting was convened, pursuant to an agitation made in the area objecting to the location of the shop in the proposed site. The Peace Committee Meeting was attended by the District Manager, TASMAC, the Tahsildar, Sirkali, the Deputy Superintendent of Police, Sirkali and the minutes of the meeting were recorded in writing on 04.08.2017. In the said minutes, the officials unequivocally agreed to shift the shop to some other location on or before 30.09.2017. The officials did not keep up their word and it appears that they were proceeding to locate the liquor shop in the place objected to the public. Therefore, the petitioner rushed to this Court.

3.This Court taking note of the fact that already a Peace Committee Meeting has been convened in fitness of things that the Government officials should comply with the undertaking given by them and not wriggle out of the commitment on technical grounds. With a fond hope that the respondents will abide by what they agreed, the Court, adjourned the matter to today (i.e. 12.10.2017).

4.The learned Standing Counsel for the respondents 4 & 5, on instructions, submitted that the shop has been closed and it will not be located in the said location. The said submission is placed on record and a writ of mandamus is issued to the respondents forbearing them from locating any TASMAC Wine Shop situated at Thiruvengkodu Range, Kizhayur Village, Neidhavasal Highway Road.

5.Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

Sgl

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The District Collector,
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Public Office Road,
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- 3.The Assistant Commissioner, Excise
(Tax on spirits), Ground Floor,
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6.The Tahsildar,
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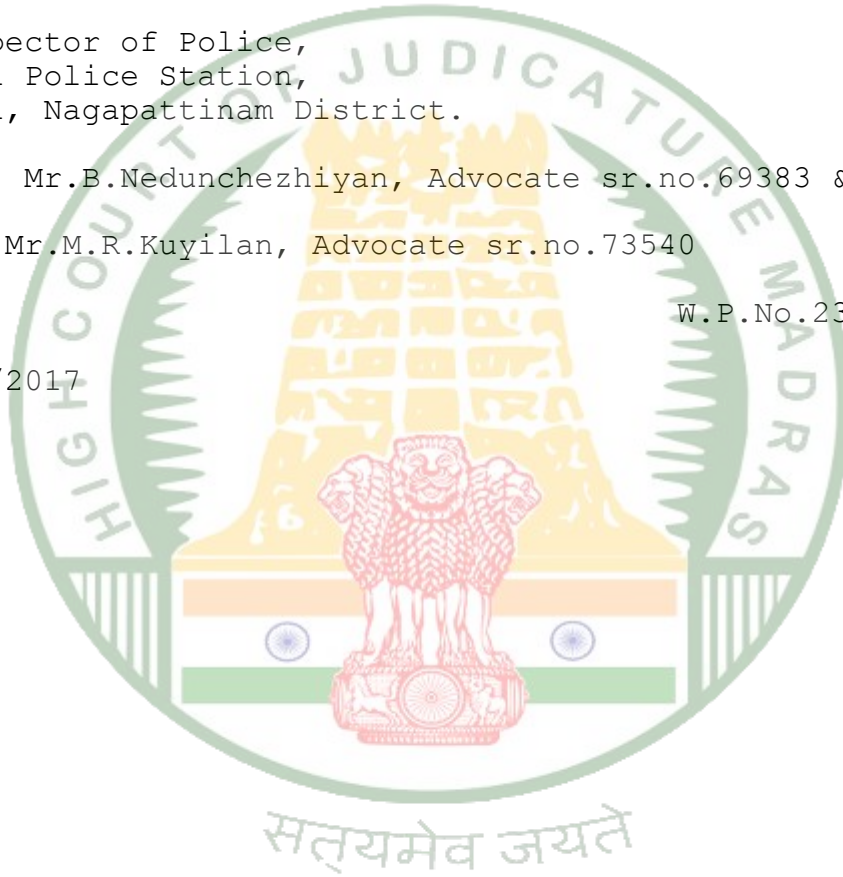
7.The Inspector of Police,
Sirkali Police Station,
Sirkali, Nagapattinam District.

+ 2 cc to Mr.B.Nedunchezhiyan, Advocate sr.no.69383 & 73790

+ 1 cc to Mr.M.R.Kuyilan, Advocate sr.no.73540

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RR 21/11/2017



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