

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2017

CORAM

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

W.P.No.24327 of 2017  
and WMP.No.25736 of 2017

Arumugam .. Petitioner  
vs.

- 1.The Chief Secretary,  
Government of Puducherry,  
Secretariat,  
Beach Road,  
Pudhucherry.
- 2.The District Collector,  
District Collector Office,  
Karaikal,  
Pudhucherry.
- 3.The Deputy Collector (Revenue),  
Department of Prohibition,  
Office of the District Collector,  
Karaikal,  
Pudhucherry.
- 4.The Tahsildar,  
Taluk Office,  
Karikal,  
Pudhucherry.
- 5.The Member Secretary,  
Town Planning,  
Office of the Town Planning,  
Karaikal,  
Pudhucherry.

6.G.N.S.Sivaprakasam

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 5<sup>th</sup> respondent not to give any permission or approval to the 6<sup>th</sup> respondent for opening a liquor or wine shop

at Murakaran lane, Puliyanthoppu, Ambakarathur, Thirunallar Commune, Karaikal.

For Petitioner : Mr.J.Sathiaraj

For Respondents : Mr.A.Gandhiraj  
Government Pleader  
(Puducherry)  
for respondent Nos.1 to 5

ORDER

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

This writ petition has been filed by way of public interest litigation seeking orders on respondent No.5 to restrain respondent No.6 from opening a liquor/wine shop at Murakaran Lane, Puliyanthoppu, Ambakarathur, Thirunallar Commune, Karaikal.

2. According to the petitioner, as per Puducherry Excise Rules, no liquor/wine shop can be opened within a distance of 100 metres from any place of worship. It is alleged that the proposed shop, which is going to be opened by respondent No.6, is within 100 metres of Sri Vinayagar Temple. It is also contended that the proposed shop is in a residential area. The proposal to open a wine/liquor shop in a residential area is against the public interest.

3. It appears that the petitioner has made a representation to the authorities on 26.08.2017 alleging that the proposed shop is within 100 metres of place of worship viz., Sri Vinayagar Temple.

4. Mr.A.Gandhiraj, learned Government Pleader (Puducherry) submits that the respondent authorities shall ensure that there is no contravention of any provisions of the applicable Excise Rules. However, he disputes that the proposed location is within 100 metres of any Vinayagar Temple.

5. The Excise Commissioner, Puducherry shall cause an inspection to ascertain whether the proposed shop is within 100 metres of any established temple as alleged in the writ petition. Needless to mention that if on inspection, it is found that there is contravention of the applicable Excise Rules, necessary steps shall be taken.

6. The writ petition is disposed of with the above

observations and directions. No costs. Consequently,  
W.M.P.No.25736 of 2017 is closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Chief Secretary,  
Government of Puducherry,  
Secretariat, Beach Road,  
Pudhucherry.
  - 2.The District Collector,  
District Collector Office,  
Karaikal, Pudhucherry.
  - 3.The Deputy Collector (Revenue),  
Department of Prohibition,  
Office of the District Collector,  
Karaikal, Pudhucherry.
  - 4.The Tahsildar,  
Taluk Office,  
Karikal, Pudhucherry.
  - 5.The Member Secretary,  
Town Planning,  
Office of the Town Planning,  
Karaikal, Pudhucherry.
  - 6.Excise Commissioner,  
Puducherry.  
(order along with copy of with petition)
- +1cc to Mr.Greetha Senthilkumar, Advocate, S.R.No.69375

W.P.No.24327 of 2017

MN(CO)  
GN(13/10/2017)