

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.24334 of 2017
and
WMP.No.25747 of 2017

Mahesh

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
4th Floor, CMDA Tower-II,
Egmore, Chennai.
2. The Commissioner Prohibition and Excise,
Chepauk, Chennai - 600 005.
3. The District Manager,
Tasmac Retail Vending Shops,
TASMAC Limited,
Villupuram District.
4. The District Collector,
Villupuram District.

5. Muthu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from running the Tasmac Shop No.11582 in Ariyanthangal Village, Marakkanam Taluk, Villupuram District since the same is located within 150 meters in the State Highway leading from Brammadesam to Ariyanthangal Village by considering the representation dated 22.07.2017 - 18.08.2017 of the petitioner and the villagers.

For Petitioner : Mr.K.Balakrishnan
For Respondents : Mr.B.Nedunchezian
for respondent Nos.1 to 3
Mr.M.K.Subramanian
Government Pleader
for respondent No.4

ORDER

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

This writ petition, in public interest, is directed against the running of a TASMAL Shop No.11582 at Ariyanthangal Village, Brammadesam Post, Marakkanam Taluk, Villupuram District.

2. In the writ petition, it is alleged that the TASMAL shop No.11582 is located within 100 metres from a Higher Secondary School and within 150 metres of a State Highway.

3. Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 provides as follows:

"Rule 8. Location of shop.-

(1) No shop shall be established in Municipal Corporations and Municipalities within a distance of 50 (fifty) metres and in other areas 100 (hundred) metres from any place of worship or educational institutions:

Provided that the distance restriction shall not apply in areas designated as 'Commercial' or 'Industrial' by the Development or Town Planning Authorities:

Provided further that no shop shall be established within the premises of any hotel:

Provided also that if any place of worship, educational institution comes into existence subsequent to the establishment of the shop, the provisions of this rule shall not apply:

Provided also that no liquor shops shall be established in any tribal areas covered under Integrated Tribal Development Project and Hill Area

Development Project in the Hill area
of Vellore, Salem, Namakkal, Dindigul,
Tirunelveli and Kanniyakumari
districts.

(2) Every shop shall be housed in a pukka
building and no part of the shops shall be
thatched either on the sides or on the roof.

(3) The shop shall be in the location approved
by the Collector before commencing the
business in the shops."

4. Learned counsel appearing on behalf of respondent Nos.1 &
3 submits that the TASMAL shop No.11582 is not located within
100 metres of any place of worship or any educational
institutions. It is submitted that the shop is at a distance
exceeding 240 metres from the Highway.

5. In view of the submission that the population of the
village is less than 20,000 and the requisite distance is only
240 metres and the shop is not within the prohibited distance,
we do not deem it necessary to pass any order on the writ
petition.

6. Needless to mention that the representation of the
petitioner dated 18.08.2017 may be considered by the third
respondent and if it is found that there is contravention of the
Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, the
shop shall be closed.

7. The writ petition is, thus, disposed of. No costs.
Consequently, W.M.P.No.25747 of 2017 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited (TASMAL),
4th Floor, CMDA Tower-II,
Egmore, Chennai.

2. The Commissioner Prohibition and Excise,
Chepauk, Chennai - 600 005.

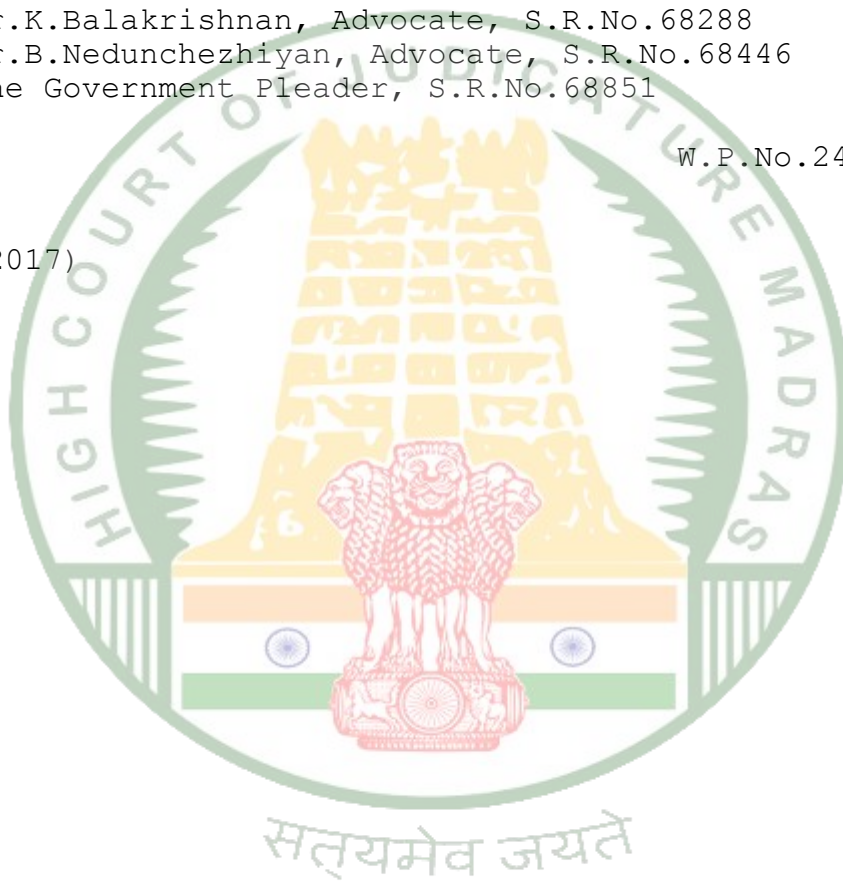
3. The District Manager,
Tasmac Retail Vending Shops,
TASMAC Limited,
Villupuram District.

4. The District Collector,
Villupuram District.

+1cc to Mr.K.Balakrishnan, Advocate, S.R.No.68288
+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.68446
+1cc to the Government Pleader, S.R.No.68851

W.P.No.24334 of 2017

RSY(CO)
CA(12/10/2017)



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