

In the High Court of Judicature at Madras

Dated : 20.9.2017

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.25179 of 2017 & WMP.No.26615 of 2017

Mrs.Bhuvaneswari, Vice Principal,
St. Paul's Nursery and Primary School,
Plot No.567, Ganapathy Syndicate Colony,
Chemmencherry,
Chennai-119.Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd., CMDA Tower
- II, 4th Floor, Egmore, Chennai-8.

2.The Senior Regional Manager,
TASMAC Limited, LLA Building,
735, Anna Salai, Chennai-2.

3.The District Manager,
IMFS Depot, TASMAC Limited,
Plot No.14, 14A, 15 to 18,
SIDCO Industrial Estate,
Sevilimedu Village,
Kancheepuram.

4.The District Collector,
Kancheepuram District,
Kancheepuram.

5.The Revenue Divisional Officer,
Tambaram, GST Road, Tambaram,
Chennai - 600 045.

6.The Tahsildar,
Shollinganallur Taluk,
Old Mahabalipuram Road,
Shollinganallur, Chennai 600 119.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus, directing the
respondents to consider the representation dated 05.09.2017

opposing the opening of TASMAC Wine Shop and Bar in plot No.535, Sri Ganapathy Nagar Colony in Survey No. 410/10, Chemmencherry Village, Shollinganallur Taluk, Chennai 600 119, Kancheepuram District, which is nearby to the Educational Institution 'St.PAULS Nursery and Primary School' and residential area.

For Petitioner : Mr.R.Amizhdhu
For Respondents 1 to 3 : Mr.Arumugha Rajan
For Respondent 4 to 6 : Mrs.A.Sri Jayanthi,
Spl. GP

O R D E R

Heard Mr.R.Amizhdhu, learned counsel for the petitioner and Mr.Arumugha Rajan, learned counsel accepting notice for respondents 1 to 3 and Mrs.A.Sri Jayanthi, learned Special Government Pleader accepting notice for the fourth respondent. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is the Vice Principal in St.Paul's Nursery and Primary School, which has been functioning in Plot No.535, Sri Ganapathy Nagar Colony, Chemmencherry Village, Chennai-119. The petitioner's grievance is that within a close vicinity of the School, the respondent Corporation is attempting to locate a retail vending liquor shop. It is submitted that if the shop is permitted to be located in the said area, it would be detrimental to the school going children and it would be against public interest.

3. The learned Standing Counsel for respondents 1 to 3/TASMAC submitted that the proposed location of the shop does not infringe the distance rule and it is not an objectionable site.

4. Nevertheless, respondents 1 to 3 have no serious objection for the District Collector to consider the representation of the petitioner's School.

5. In the light of the above, the writ petition is disposed of with a direction to the fourth respondent to consider the petitioner's representation dated 05.09.2017., which has not only been signed by the petitioner, but also by the other residents of the area, a copy of which has been forwarded to the Office of the fourth respondent by speed post. The fourth respondent shall direct an inspection to be conducted on the proposed location by one of the Senior Officers and based upon the inspection report and taking into consideration the views of

the petitioner's School and the concern of the residents of the area, shall take a pragmatic decision in the matter. Till a decision is taken by the District Collector, the shop shall not be located in the proposed site. The District Collector shall comply with the above directions within a reasonable time and not later than the period of three months from the date of receipt of a copy of this order. No costs. Consequently, the above WMP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower - II, 4th Floor,
Egmore, Chennai - 8.
- 2.The Senior Regional Manager,
TASMAC Limited, LLA Building,
735, Anna Salai, Chennai - 600 002.
- 3.The District Manager,
IMFS Depot, TASMAC Limited,
Plot No.14, 14A, 15 to 18,
SIDCO Industrial Estate,
Sevilimedu Village, Kancheepuram.
- 4.The District Collector,
Kancheepuram District,
Kancheepuram.
- 5.The Revenue Divisional Officer,
Tambaram, GST Road, Tambaram,
Chennai - 600 045.

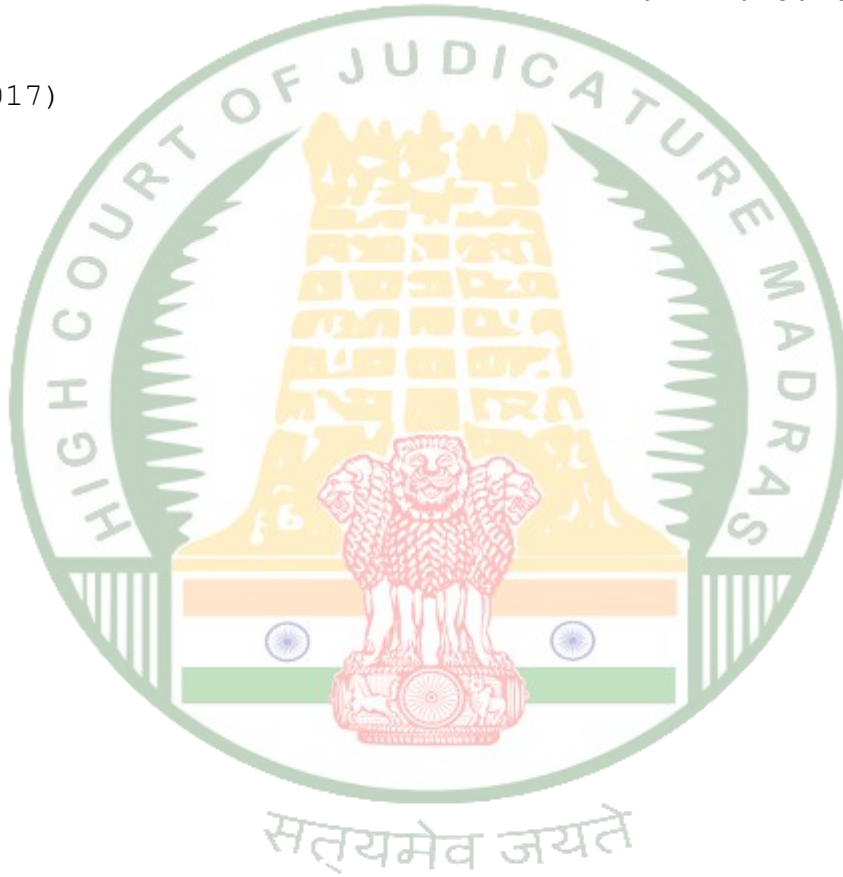
6.The Tahsildar,
Shollinganallur Taluk,
Old Mahabalipuram Road,
Shollinganallur, Chennai 600 119.

+1cc to Mr.P.Arumugarajan, Advocate sr.68667

+1cc to Mr.R.Amizdhu, Advocate sr.69107

WP.No.25179 of 2017
& WMP.No.26615 of 2017

gp(co)
ss(25/9/2017)



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