

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.25256 of 2017

and WMP.Nos.26701 & 26702 of 2017

Mohan Raj

...Petitioner

vs.

- 1.The District Collector,
O/o The District Collectorate,
Coimbatore - 641 018.
- 2.The Deputy Commissioner (Excise),
O/o The Deputy Commissioner (Excise),
Collectorate Campus,
Coimbatore - 641 018.
- 3.The Managing Director,
Tamilnadu State Marketing Corporation Limited,
MMDA Towers,
Gandhi Irwin Bridge Road,
Egmore - 600 008.
- 4.The Senior Regional Manager,
Coimbatore Region,
Tamil Nadu State Marketing Corporation Limited,
MSR Complex,
Koundampalayam,
Coimbatore - 641 030.
- 5.The District Manager (North),
Tamil Nadu State Marketing Corporation Limited,
MSR Complex,
Koundampalayam,
Coimbatore - 641 030.
- 6.The Commissioner of Police,
O/o The Commissioner of Police,
Coimbatore.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 3 to 5 from opening new TASMALC Liquor Shops in Kalingarayan Street by considering the petitioner's representation dated 15.09.2017.

For Petitioner : Mr.C.K.Chandrasekar
for M/s.S.Ganeshkumar

For Respondents : Mr.M.K.Subramanian
Government Pleader
for respondent Nos.1,2 & 6
Mr.K.Sathishkumar
for respondent Nos.3 to 5

ORDER

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

This writ petition, purportedly in public interest, has been filed seeking an order forbearing respondent Nos.3 to 5 from opening new TASMALC liquor shops in Kalingarayan Street upon consideration of the petitioner's representation dated 15th September, 2017.

2. The petitioner has not been able to pinpoint any Rule or Regulation which is being violated by opening the proposed liquor shops.

3. It is the case of the petitioner that there are already numerous liquor shops on the road. The existence of liquor shops cannot a bar to the opening of new liquor shops. There is also no bar in law to opening liquor shops on 25 feet roads.

4. If there are liquor shops already in existence, it is not understood how the opening of new liquor shops would affect the people of the area or schools in the vicinity. It is not the case of the petitioner that there is any proposed liquor shop within the prohibited distance as stipulated in Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

5. This Court entertains public interest litigations filed by public spirited citizens to protect the rights of the public at large or of a class of marginalized people, who are unable to protect and/or fight for their own rights. The petitioner has not been able to establish any right to stop the opening of new TASMALC liquor shop/shops on the road in question.

6. The learned counsel appearing on behalf of the petitioner submits that consumption of alcohol is injurious to health and it has many harmful effects. We may even personally agree with such submission, but it is not for the Court to run the administration or to interfere with policy decisions, unless such policy decisions infringe upon any rights guaranteed under the Constitution of India, or are in violation of any other law.

7. We cannot also but note that this writ petition may have been prompted at the behest of the existing liquor shops and/or bar owners with a view to prevent further competition. As observed above, it is the petitioner's own case in the writ petition that there are numerous bars and liquor shops already in existence on the 25 feet road.

8. The writ petition cannot be entertained and the same is therefore dismissed. No costs. Consequently, WMP.Nos.26701 & 26702 of 2017 are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

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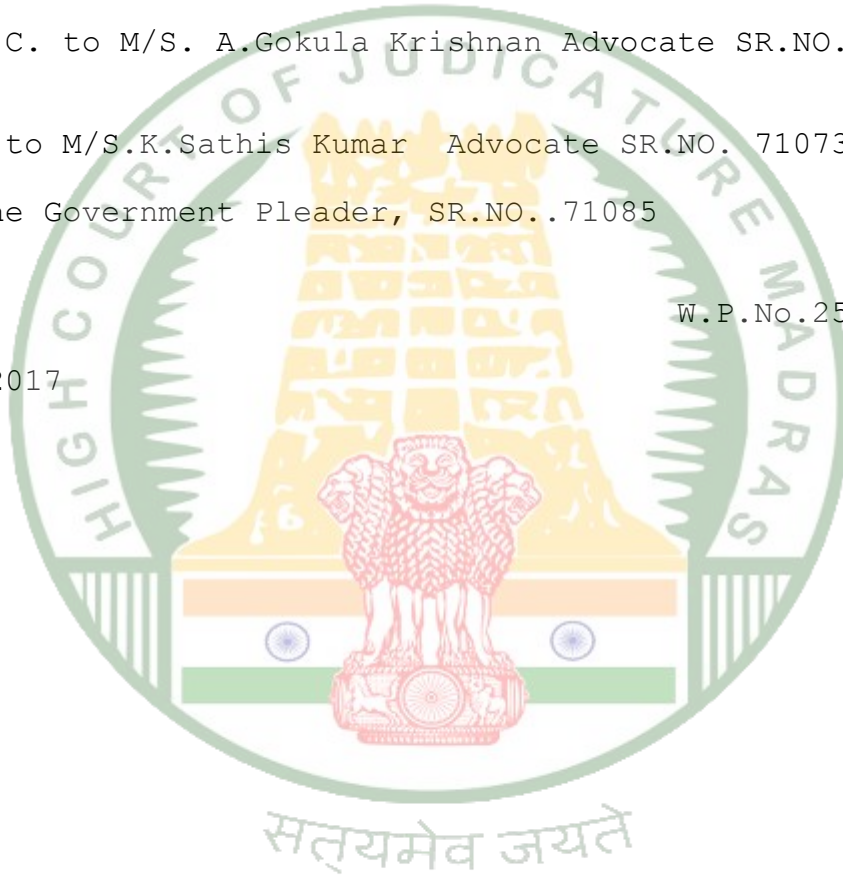
+1 C.C. to M/S. A.Gokula Krishnan Advocate SR.NO.71206

C.C. to M/S.K.Sathis Kumar Advocate SR.NO. 71073

+1 The Government Pleader, SR.NO..71085

W.P.No.25256 of 2017

VS 11.10.2017



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