

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2017

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.15661 of 2017

M.Chengalvarayan

...Petitioner

vs.

1. The District Collector,
Kancheepuram,
Kancheepuram District.
2. The District Manager,
IMFS Depot, TASMAL Ltd.,
Plot No.14, 14A, 15 to 18,
SIDCO Industrial Estate,
Sevilimedu Village,
Kancheepuram District.
3. The Revenue Divisional Officer,
Madurantagam,
Kancheepuram District.
4. The Sub Inspector of Police,
Chithamur Police Station,
Chithamur, Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondent from opening TASMAL shop in S.No.94/2B, 93/1, Chithamur Village, Cheyyur Taluk, Kancheepuram District or any other place within the jurisdiction of Chintamur village.

For Petitioner : Mr.P.Murali

For Respondents : Mr.M.K.Subramanian,
Govt. Pleader for RR1, 3 and 4

: Mr.B.Neducheziyan for R2

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, the writ petition is taken up for final disposal.

2.Though the petitioner prays for a larger relief, this Court, on going through the materials, is of the view that it is suffice to direct the first respondent to consider and dispose of the petitioner's representation on merits and in accordance with law within a stipulated time.

3.The writ petition is filed by way of public interest litigation by a resident of Bank Street, Chinthamur Village and Post, Cheyyur Taluk and Kancheepuram District. In the affidavit filed in support of the writ petition, it is averred among other things that a liquor shop was functioning under the auspices of Tamil Nadu State Marketing Corporation Limited (TASMAC) from 12.05.2017 onwards and was located adjoining the Highways road from Chinthamur to Puducherry. Even on the date of opening of the said liquor shop, the residents of the village conducted agitation before the said shop and on account of the law and order problem, it was closed on 14.05.2017. Even prior to this, the residents of the village, apprehending that attempts are being made to open a liquor shop, they have submitted a detailed representation dated 03.04.2017 to the first respondent praying for the closure of the shop permanently and not to open anymore liquor shop in the village. The petitioner would also aver that very many Government offices like Children Anganvadi Centre, Government Library, Village Panchayat Office, Community Hall, Panchayat Elementary School, Central Bank of India, Ration Shop and temples, namely, Gangaiamman temple, Vinayagar temple and other public utility officers are located within the 200 meters from the TASMAC shop and therefore, the second respondent cannot open the TASMAC shop within the prohibited distance and also in the light of the judgments of the Hon'ble Supreme Court in Civil Appeal Nos.12164 to 12166 of 2016 dated 15.12.2016 and 31.03.2017.

4.The learned counsel appearing for the petitioner would submit that the apprehension expressed by the petitioner as well as the residents of the village is genuine and therefore, prays for appropriate orders restraining the second respondent from opening the TASMAC shop in the said village.

5.Per contra, Mr.M.K.Subramanian, learned Government Pleader appearing for respondents 1, 3 and 4 and Mr.Nedunchezhiyan, learned Standing Counsel appearing for the second respondent,

would submit that the District Collector, after conducting local inspection in the village, has granted no objection for locating the said shop and on account of the public agitations, the shop has been closed for the present. They also undertake to consider and dispose of the representation submitted by the petitioner in accordance with law within the stipulated time.

6.This Court, taking into consideration the above facts and circumstances and the rival submissions, without going into the merits of the representation submitted by the residents of the village as well as the allegations / averments made in the affidavit, directs the first respondent to consider and dispose of the petitioner's representation dated 03.04.2017 on merits and in accordance with law and pass appropriate orders within two (2) weeks from the date of receipt of a copy of this order and communicate the order to the petitioner.

7.The writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

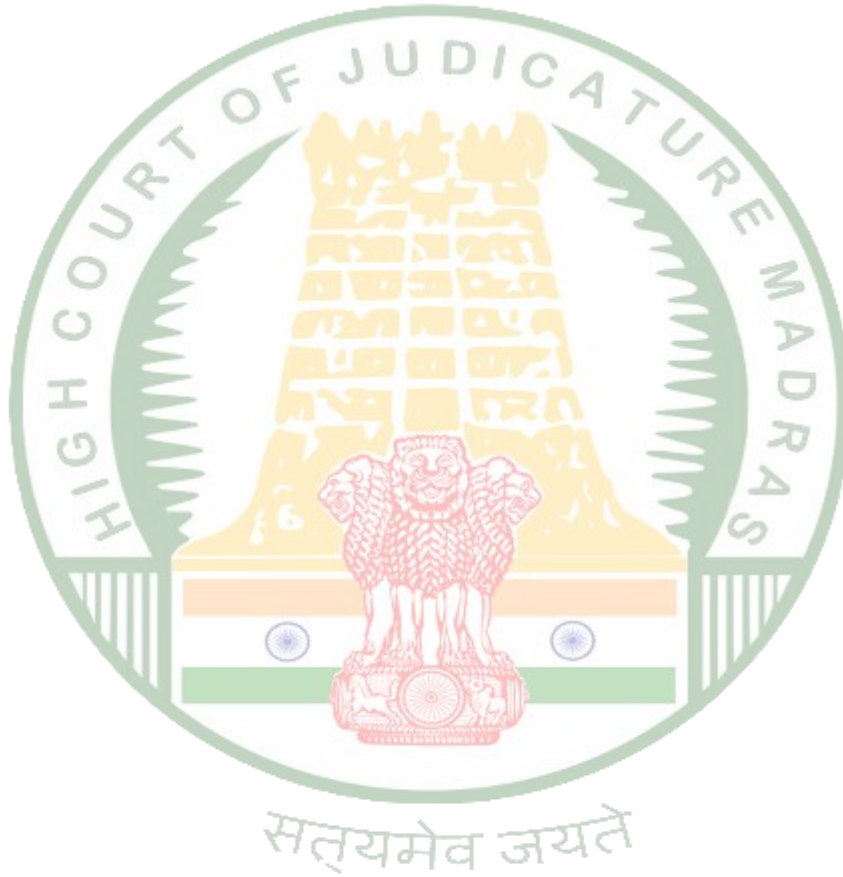
sra
To

1. The District Collector,
Kancheepuram,
Kancheepuram District.
2. The District Manager,
IMFS Depot, TASMAL Ltd.,
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4. The Sub Inspector of Police,
Chithamur Police Station,
Chithamur,
Kancheepuram District.

+1cc to M/S.P.Murali, Advocate Sr. 44315
+1cc to M/S.B.Nedunchezhiyan, Advocate Sr. 44403
+1cc to the Government Pleader Sr. 44427

W.P.No.15661 of 2017

RSI (CO)
VR(07/07/2017)



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