

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

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THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

Writ Petition No.27089 of 2017

&

W.M.P.Nos.28914 and 28915 of 2017

1.Pakkirisamy
2.M.Arulanandham
3.P.Senthil @ Karthikeyan

... Petitioners

Vs

1. The Secretary to the Government,
Prohibition and Excise Department,
Government of Tamilnadu, Chennai 09.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Managing Director of TASMAC Ltd.,
4th Floor, CMDA Tower - II,
Egmore, Chennai 08.
4. District Manager,
TASMAC Retail Vending Shop,
Kancheepuram District,
Kancheepuram.

... Respondents

PETITION filed under Article 226 of The Constitution of India seeking to issue a Writ of Mandamus directing the 3rd respondent to pass appropriate orders on petitioner representation dated 06.10.2017 within a specific period.

For Petitioners : Ms.N.Janani Ganesan
For Respondents 1 and 2 : Mr.R.Rajeswaran,
Special Government Pleader
For Respondents 3 and 4 : Mr.Arumugharajan

O R D E R

Heard Ms.N.Janani Ganesan, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.Arumugharajan,

learned counsel for the respondents 3 and 4. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition, in the capacity of a resident of Vazuthalambedu village, which is stated to be situated near Kundrathur, Chennai. The petitioner objects to the proposal of the 3rd respondent in locating a TASMAR Retail Vending Wine Shop with bar attached in the said Village, which is very near to the Bus Stand. The photographs show that the area looks like a deserted area and that there is a bus stop and that the proposed location of the shop is adjacent to the bus stop. The local public are said to have conducted an agitation in the area as could be seen from the photographs filed in the typed set of papers.

3. In this regard, a representation has been sent to all the four respondents on 06.10.2017, wherein the several residents of the area have signed. It is stated that the bus stand is located in a very dark place and that ladies working elsewhere, have to cross the area and that if the shop is opened in the said area, it would be a harassment and hindrance to several persons including school going children, who will have to cross the area. The representation has been sent by the registered post with acknowledgment on 06.10.2017. However, the same is yet to be considered by the appropriate authority.

4. Taking note the allegations made in the affidavit filed in support of the writ petition, there will be a direction to the second respondent to consider the representation dated 06.10.2017, direct inspection to be conducted by one of his senior officials to examine as to whether the location of shop proposed would be an hindrance to the residents of the area, though not in violation of the distance rule and examine as to whether it would be conducive to locate the TASMAR retail vending shop in the said proposed location. On receipt of such inspection report, the second respondent is directed to pass a speaking order on merits and in accordance with law. Till such exercise is completed, respondents 3 and 4 are restrained from locating the shop in the proposed location.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected WMPs are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government,
Prohibition and Excise Department,
Government of Tamilnadu, Chennai 09.

2.The District Collector,
Kancheepuram.

3.The Managing Director of TASMAL Ltd.,
4th Floor, CMDA Tower - II,
Egmore, Chennai 08.

4.The District Manager,
TASMAL Retail Vending Shop,
Kancheepuram.

+lcc to Mr.P.Ganesan, Advocate, S.R.No.74478

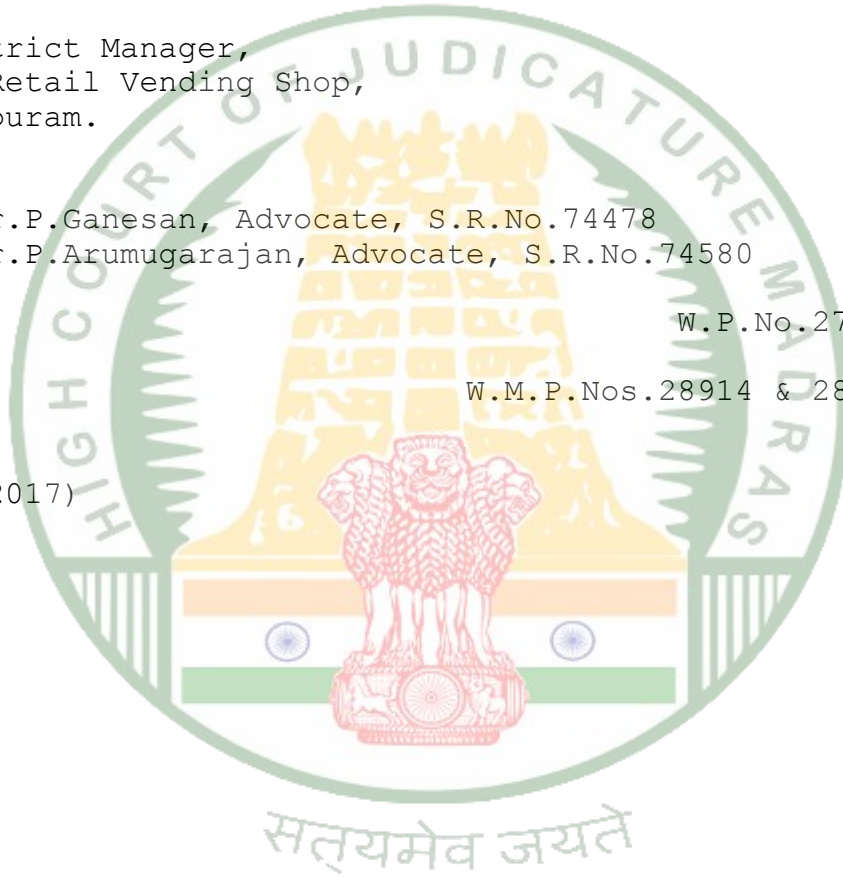
+lcc to Mr.P.Arumugarajan, Advocate, S.R.No.74580

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MSM(CO)
CA(14/11/2017)



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