

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.17253 of 2017
and W.M.P.No.18756 of 2017

C.Vinayagamurthy .. Petitioner

-vs-

1.The District Collector,
Cuddalore District.

2.The Managing Director,
Tamil Nadu State Marketing Corporation
4th Floor, CMDA Tower, Egmore,
Chennai 600 008.

3.The District Manager,
District TASMAL Office,
Cuddalore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to remove the existing TASMAL liquor shop No.2531 situated in Sivapuri Road, Usuppur Village, Chidambaram Taluk, based on representations of the Villagers dated 13.8.15, 8.7.16, 15.5.2017 as well as on the basis of resolutions passed by the Village Committee in the year 2014, 2016 and 2017 of Usuppur Village in violation of the order of Hon'ble Supreme Court of India passed in Civil Appeal Nos.12164 to 12166 of 2016 dated 31.03.2017.

For Petitioner : Mr.C.Sivanesan

For Respondents : Mr.M.K.Subramanian,
Govt. Pleader for R- 1

O R D E R

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

This writ petition has been filed with a prayer to remove an existing liquor shop run by the Tamil Nadu State Marketing Corporation ('TASMAL' for brevity), being liquor Shop No.2531

situated at Sivapuri Road, Usuppur Village, Chidambaram Taluk, based on representations of the Villagers dated 13.08.2015, 08.07.2016, 15.05.2017 as well as on the basis of resolutions passed by the Village Committee in the year 2014, 2016 and 2017 of Usuppur Village. It is also alleged that the location is in violation of the order of Hon'ble Supreme Court of India passed in Civil Appeal Nos.12164 to 12166 of 2016 dated 31.03.2017.

2.Post notice, today, when the matter was taken up for hearing, the third respondent before us, namely, The District Manager of the TASMAL, Cuddalore District, has filed a counter-affidavit dated 07.08.2017, wherein, after asserting that the location of the shop is not in violation of any Rule or the aforementioned order of the Hon'ble Supreme Court of India, the third respondent has stated that though it is not in violation of any Rule qua Tamil Nadu Liquor Retail Vending (Inshops and Bars) Rules, 2003, in response to the representation sent by the petitioner and others, the third respondent decided to re-locate the above said liquor shop within four or five months and that action is being taken to find out an alternate location for re-locating the shop. We deem it appropriate to extract paragraph 7 of the counter-affidavit of the third respondent, which reads as follows:

"7.I further submit that, though the shop is located well within the norms stipulated by the Hon'ble Supreme Court of India. However, considering the representation of the petitioner along with the general public, a peace meeting was convened by the Tahsildar, Chidambaram, on 13.6.2017 and a consensus was reached to relocate the shop within 4 or 5 months. As such, action is being taken to find out an alternative location and to relocate the shop. Meanwhile the petitioner has filed this writ petition before the Hon'ble Court."

3.In the light of the above averments in the counter-affidavit, we are of the view that nothing survives in the matter and the writ petition is, accordingly, disposed of recording the above submission. No costs. Consequently, W.M.P.No.18756 of 2017 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Cuddalore District.

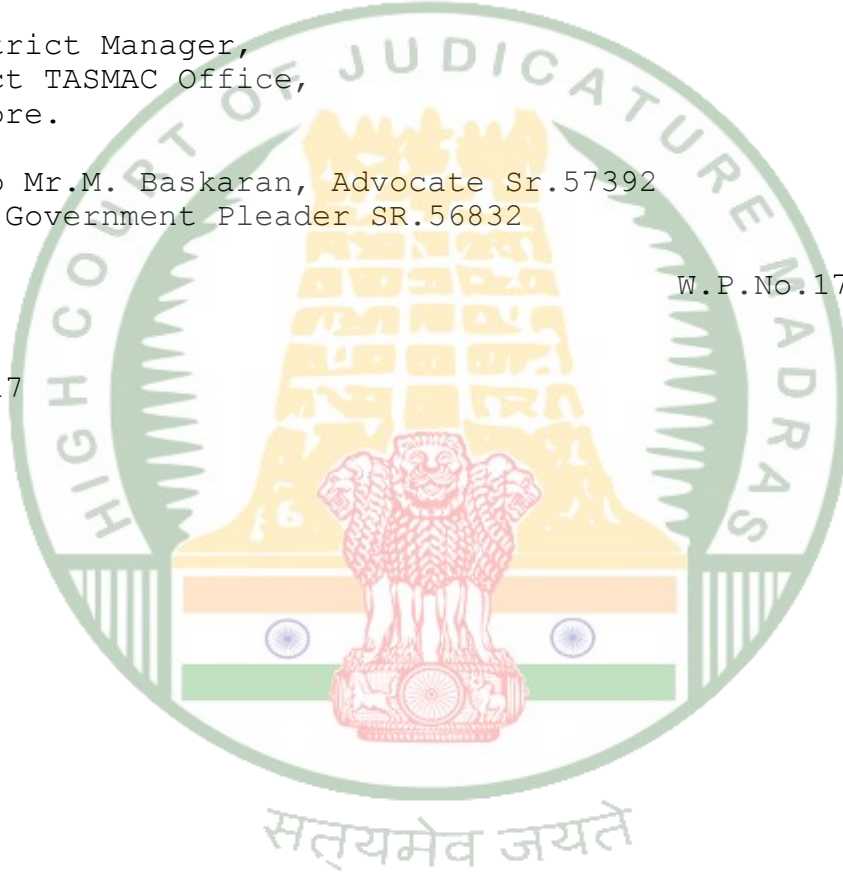
2.The Managing Director,
Tamil Nadu State Marketing Corporation
4th Floor, CMDA Tower, Egmore,
Chennai 600 008.

3.The District Manager,
District TASMAL Office,
Cuddalore.

+ 2 ccs to Mr.M. Baskaran, Advocate Sr.57392
+ 1 cc to Government Pleader SR.56832

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EU 23.08.17



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