

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07 .2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.17507 of 2017 &
W.M.No.19002 of 2017

Vanitha textiles,

Rep. by its Partner, N.Sivakumar,
182, Chettipalayam Road,
Palladam, Tirupur district.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and excise Department,
Secretariat, Fort St. George, Chennai - 600 009.
2. The District Collector,
District Collectorate, Tirupur District.
3. The District Manager,
Tamil Nadu State Marketing
Corporation Limited, TASMAL District Office,
Angeripalayam Road, Tirupur District.

4.K.Subramaniam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS forbearing the respondents from relocating or establishing a TASMAL liquor shop at R.S.No.683/1 and R.S.No.683/3 at Avinashipalayam Village, Pongalur taluk, Tirupur District detrimental to petitioner's right to life, property, peaceful trade and occupation after considering the representation of the petitioner dated 30.06.2017.

For Petitioner : Mr.C.E.Pratap
For Respondents : M/s.A.Srijayanthi,
Special Government Pleader
(For R1 & r2)
Mr.M.John Kennedy (For R3)

O R D E R

Heard Mr.C.E.Pratap, learned counsel for the petitioner, M/s.A.Srijayanthi, learned Special Government Pleader for the respondents 1 and 2 and Mr.M.John Kennedy, learned counsel for the third respondent.

2.The petitioner is a Textile Mill carrying on business in the lands comprised in R.S.Nos.683/3 and 683/3D at Avinashipalayam Village, Pongalur Taluk, Tirupur District in an extent of 2.21 acres. The grievance of the petitioner is that the respondent TASMAC is proposing to set up a retail outlet in the land owned by the fourth respondent, which is a land adjacent to the petitioners' Textile Mill and it is within the distance of 250 feet from the National Highway. Apart from that, the petitioner also states about the objections raised by the local residents. The petitioner has given a representation to the respondents on 30.06.2017 which are shown to have been received by the authorities as per the postal acknowledgment and in respect of such objections, till date no action has been initiated by the authorities and effective steps haven taken by the third respondent to locate the TASMAC shop.

3.In the light of the fact that the petitioner alleges that the proposed shop is within the prohibited distance from the National Highway, the objection given by the petitioner should be considered before approving the location for the proposed shop.

4.In the light of the same, the writ petition is disposed of by directing the petitioner to submit a representation to the second respondent along with a copy of this order within a period of three days from the date of receipt of a copy of this order. On such representation being given, the second respondent shall consider the same after notice to the fourth respondent, ascertain as to whether the proposed location infringes the distance rule or it is in violation of the order passed by the Hon'ble Supreme Court and thereafter, pass a speaking order on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of the representation. Till such time, the shop in question shall not be located in the proposed location. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

abr

To

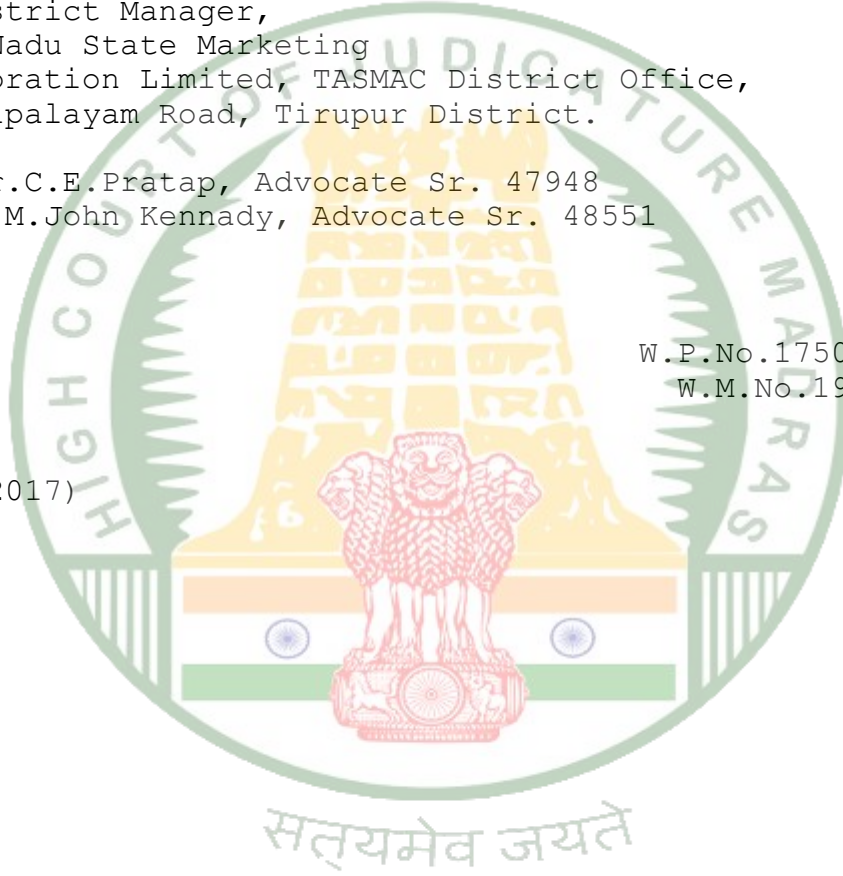
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+lcc to Mr.C.E.Pratap, Advocate Sr. 47948

+lcc to Mr.M.John Kennady, Advocate Sr. 48551

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NM(CO)
VR(12/07/2017)



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