

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM :

THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P. NO.17916 OF 2017

AND W.M.P.NO.19445 OF 2017

P.Muthusamy

.. Petitioner

-vs-

1. The District Collector,
Tiruppur District, Tiruppur.
2. The General Manager,
TASMAC, Angeripalayam Road,
Tiruppur.
3. The Special Officer / Executive
Officer, Karaipudhur Panchayat,
Palladam Taluk, Tiruppur District.
4. P.Sekar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to make sure that all the Legal Provisions, Rules & Regulations laid down by "The Tamil Nadu Change of Land Use (From Agricultural to Non-Agricultural Purposes in Non-Planning Areas) Rules, 2017 & Rule: 25 of "The Tamil Nadu Panchayat Building Rules 1997"& Appendix-I of "The Tamil Nadu Fire Service Rules 1990"and Sections 8(2) & 10(3) of "The Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003" are strictly complied prior to the establishment of the TASMAC Retail Liquor Vending Shop & Bar in the midst of the Agricultural Lands of the 4th Respondent herein, bearing S.No: 468/1D, Ayyampalayam, Karaipudhur Village, Palladam Taluk, Tiruppur District by the 2nd Respondent herein and consequently direct the 3rd Respondent to remove the illegal construction done by the 4th respondent in the Agricultural lands bearing S.No: 468/1D, Ayyampalayam, Karaipudhur Village, Palladam Taluk, Tiruppur District.

For Petitioner : Mr.M.Easan,
for M/s.Va.Vu.Si.Vazhakagam

For Respondents : Mrs.Vasudha Thiyagarajan
Addl.G.P. for RR-1 and 3

: Mr.John Kennedy for R-2

O R D E R

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

In this writ petition, the petitioner has sought orders restraining the respondents from establishing a Tasmac Retail Liquor Vending Shop and Bar in the agricultural land being S.No.468/1D, Ayyampalayam, Karaipudhur Village, Palladam Taluk, Tiruppur District, belonging to Respondent No.4.

2. The petitioner has not been able to advert to any provision of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003, which has been contravened. However, the petitioner points out that the land is agricultural land and construction of the retail shop is in contravention of the Tamil Nadu Change of Land Use (From Agricultural to Non-Agricultural Purposes in Non-Planning Areas) Rules, 2017, as also the Tamil Nadu Panchayat Building Rules, 1997. It is also submitted that the provisions of the Tamil Nadu Fire Service Rules, 1990, have not been complied with.

3. It appears that the petitioner has made a representation dated 07.07.2017 to the Collector for removal of the TASMAC shop stating that the proposed shop was on agricultural land. There is, however, no reference in the said representation to the provisions of law, which are being contravened.

4. It will be open to the petitioner to make a further detailed representation to the Collector. Such representation, if made within two (2) weeks from date, shall be considered and a decision be taken thereon in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. Needless to mention that if, as contended by the petitioner, the construction is in contravention of Change of Land Use Rules or Building Rules or fire safety requirements, appropriate action shall be taken in accordance with law. The

Collector may give the petitioner an opportunity of hearing as also other stakeholders / interested persons, if any.

The writ petition is, accordingly, disposed of. No costs. Consequently, W.M.P.No.19445 of 2017 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Special Officer / Executive
Officer, Karaipudhur Panchayat,
Palladam Taluk, Tiruppur District.

+1cc to M/s.Va.Vu.Si.Vazhakagam, Advocate, S.R.No.49790
+1cc to Mr.John Kennedy, Advocate, S.R.No.49580
+1cc to the Government Pleader, S.R.No.49882

W.P.No.17916 of 2017

BR(CO)
CS/03/08/17

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