

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.7.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.18122 OF 2017

Tansi Nagar Welfare Association,
rep. by its General Secretary
M.Balakrishnan

...Petitioner

Vs

1.The District Collector,
Chennai District, Rajaji Salai,
Chennai-4.

2.The Managing Director, the Tamil Nadu
State Marketing Corporation (TASMAC),
Thazhamuthu Nadar Mazhigai, Egmore,
Chennai-8.

3.The District Manager, the Tamil Nadu
State Marketing Corporation (TASMAC),
B4, Ambattur Industrial Estate,
Chennai (South) District, Chennai-58.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of Writs of Mandamus to direct the
respondents to close the TASMAC shop at Balakrishna Nagar,
Velachery, opposite to Perungudi railway station as sought vide
representation dated 14.6.2017.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Ms.M.Lalitha, GA - R1
Mr.B.Nedunchezhiyan - R2 and R3

ORDER

Ms.M.Lalitha, learned Government Advocate accepts notice for
the first respondent. Mr.B.Nedunchezhiyan, learned Standing
Counsel accepts notice for respondents 2 and 3. Heard both.

2.The petitioner is a resident's welfare association and
they are aggrieved by location of a TASMAC liquor shop at

Balakrishna Nagar, Velachery, Opposite - Perungudi Railway Station. All the residents have staged demonstration for locating the shop in the said area and this has been widely reported by the Press during May 2017. It appears that the present shop has been relocated to the said location, as it was earlier functioning at a National Highway.

3. The learned Standing Counsel for respondents 2 and 3 submits that the petitioner's representation given to the Hon'ble Chief Minister Special Cell was duly replied stating that there was no violation of the distance rule.

4. However, the competent person to take a decision as to whether the shop is in the objectionable place or not is the District Collector and therefore, it is the District Collector, who has to take a decision and not the District Manager of the TASMAC.

5. The learned counsel for the petitioner has placed reliance on the recent decision of the Hon'ble Division Bench of this Court in the case of S. Sellasamy Vs. District Collector, Thiruvallur District [reported in CDJ 2017 MHC 3485] wherein the Court, after elaborately considering all the issues, pointed out that it is the duty of the State to revisit the entire policy in a phased manner and to the extent possible, take into consideration the will of the people of that locality and intend to reduce the agony and inconvenience that would be caused to the public on account of establishment or relocation of the TASMAC shops, which is detrimental to the public.

6. The petitioner's case is that the shop is just opposite to Perungudi Railway Station and there is a school nearby where 1,500 boys and girls are studying and the only access is through the road where the shop is located. Apart from that, there are places of worship within the prohibited distance and the residents of that area unanimously opposed the location of the shop. Therefore, the State has to take into consideration the will of the people of the locality before re-locating the shop.

7. In view of the above, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 14.6.2017 and direct a surprise inspection to be conducted by one of his officials and after receiving the surprise inspection report, the first respondent shall consider the objections and take a pragmatic decision in the matter as expeditiously as possible, preferably

within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

RS

To

- 1.The District Collector, Chennai District,
Rajaji Salai, Chennai-4.
 - 2.The Managing Director,
The Tamil Nadu State Marketing Corporation
(TASMAC), Thazhamuthu Nadar Mazhigai, Egmore, Chennai-8.
 - 3.The District Manager,
The Tamil Nadu State Marketing Corporation
(TASMAC), B4, Ambattur Industrial Estate,
Chennai (South), Chennai-58.
- +1cc to the Government Pleader, Sr. 50609
+1cc to Mr.N.A.Nissar Ahmed, Advocate Sr. 50251
+1cc to Mr.B.Nedunchezhiyan, Advocate Sr. 50773

W.P.No.18122 of 2017

PA (CO)
VR (02/08/2017)

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