

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.18699 of 2017

Shri Kanbavvi Welfare Association,
Rep. By its Secretary,
Perumbakkam,
Sholinganallur Tk.,
Kancheepuram District.
Chennai - 100.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 9.

2.The District Collector,
District Collectorate,
Kancheepuram District.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
TASMAC District Office,
South Chennai,
Chennai.

4.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Chennai - 119.

5.P.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the respondents 1 to 4 to shift the TASMAC liquor shop in R.S.No.4139, situated at Survey Nos.17/3 & 17/4B, Anandammal Nagar, Perumbakkam, Solinganallur TK, Kancheepuram District, Chennai, and to relocate the said liquor shop to some other location after considering the petitioner's representations dated 27.06.2017 and 06.07.2017.

For Petitioner : Mr.R.S.Krishnaswamy

For R1, R2 & R4: Ms.M.Lalitha, GA

For R3 : Mr.B.Nedunchezian, standing counsel

ORDER

Heard Mr.R.S.Krishnaswamy, learned counsel for the petitioner, and Mr.B.Nedunchezian, learned standing counsel for the third respondent, and Ms.M.Lalitha, learned Government Advocate for the respondents 1, 2 and 4, and with the consent of either side, the writ petition itself is taken up for final disposal. In the light of the order this Court proposes to pass, notice to the fifth respondent is dispensed with.

2. The petitioner is before this Court on his behalf and on behalf of the residents of Anandammal Nagar, Perumbakkam, and they formed themselves into an Association called as Shri Kanbavvi Welfare Association, which is registered under the provisions of the Tamil Nadu Societies Registration Act, 1975.

3. The petitioner is aggrieved by the location of the liquor shop by the TASMAL bearing shop No.4139, which was opened on 03.07.2017. This shop has been opened by way of relocation of the existing shop, which had to be closed down because of the orders passed by the Hon'ble Apex Court.

4. According to the petitioner, the shop is located in an exclusively residential area within the prohibitory distance from a temple and matriculation school. The school authorities as well as the residents of the area have objected to the location of the shop and copies of such representations have been enclosed in the typed set of papers. It is further submitted that very near to the shop, there is a Multi-Speciality hospital and therefore, it is submitted that the respondent TASMAL should be directed to shift the shop immediately.

5. Since the shop has been opened on 03.07.2017 and the representations are now pending consideration of the respondents, there will be a direction to the District Collector, Kancheepuram District / second respondent to consider the pending representations dated 27.06.2017 and 06.07.2017 of the petitioner, direct an inspection to be conducted in the area, preferably surprise inspection and based on such report, the second respondent is directed to take a pragmatic decision in the matter, as prima-facie it appears from the photographs produced that the area is an exclusive residential area and it

is a fast developing suburban of the Chennai City. Therefore, the second respondent is directed to consider the said representations within a period of two weeks from the date of receipt of a copy of this order. The petitioner is directed to forward copies of the representation along with a copy of the order of this Court to the second respondent for compliance of the above directions.

6. In fine, the writ petition is disposed with the above directions. No Costs. WMP.No.20246 of 2017 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rkm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The District Collector,
District Collectorate,
Kancheepuram District.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
TASMAC District Office,
South Chennai,
Chennai.
- 4.The Tahsildar,
Sholinganallur Taluk,
Sholinganallur, Chennai - 119.

+1 cc to M/s.B.Neduchezhian Advocate sr 52186
+1 cc to M/s.P.S.Krishnaswamy Advocate sr 52642

W.P.No.18699 of 2017

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aa03/08/2017