

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.19049 of 2017
and W.M.P.No.20565 of 2017

R.Jayakumar

.. Petitioner

..Vs..

1.The District Collector,
Chennai.

2.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Chennai Central. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondent from opening liquor shop in Old No.116, New No.207 (100%) Bicropes 1st Street, General Patters Road, Anna Salai, Chennai - 600 002.

For Petitioner : Mr.V.P.Aravind

For Respondents

R1 : Mr.R.Rajeswaran
Special Government Pleader

R2 : Mr.K.Sathish Kumar
Standing Counsel

O R D E R

The petitioner seeks for issuance of writ of Mandamus, to forbear the respondents from opening liquor shop in Old No.116, New No.207 (100%) Bicropes 1st Street, General Patters Road, Anna Salai, Chennai - 600 002.

2.This Court wanted to examine as to whether there is any infringement of Rule 8 of the relevant Rules which stipulates certain restriction for location of a shop. Admittedly there is no such violation pointed out. The petitioner's objection is

that the shop is going to be located in a small street which is a dead end and he is the resident of the building residing at the fourth floor where the shop is going to be opened in the ground floor.

3.The learned counsel appearing for the respondent TASMAC submits that when a letter was addressed to the petitioner, it was returned with an endorsement "No such addressee". Further, it is submitted that at the instance of the persons who are selling eatables and collecting empty bottles in the bar attached to Shop Nos.804 and 811 appear to be behind this litigation.

4.The Hon'ble First Bench of this Court considered a similar complaint in a public interest litigation in the case of Mohan Raj vs. The District Collector, O/o.The District Collectorate, Coimbatore-641 018 and others in W.P.No.25256 of 2017 and by order dated 03.10.2017, the said writ petition was dismissed on the ground that it was not the case of the petitioner that there is any violation of the prohibited distance as stipulated under Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

5.In the light of the above, the prayer sought for in the writ petition cannot be granted. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cse
To

- 1.The District Collector,
Chennai.
- 2.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Chennai Central.

+1 cc to M/s.K.Sathish kumar advocate sr 83845

W.P.No.19049 of 2017
and W.M.P.No.20565 of 2017

aa15/12/2017