

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.19510 of 2017

S.Govindharaj ... Petitioner  
Vs.

1.The District Collector,  
Thiruvallur District,  
Thiruvallur.

2.The Senior Regional Manager,  
TASMAC, LLA Building,  
Mount Road,  
Chennai.

3.The District Manager,  
TASMAC, Thiruvallur East,  
No.1, Chennai-Bangalore High way,  
Sembarambakkam,  
Chennai. ... Respondents

**Prayer :** Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to open the Liquor shop No.8833 in Plot No.3/PC-7, Mugappair West, Chennai 600 037.

For Petitioner : Mr.K.Balaji  
For Respondents : Mrs.A.Sri Jayanthi  
Special Government Pleader for R1  
: Mr.B.Nedunchezhiyan  
Standing Counsel for R2 & R3

**ORDER**

Heard Mr.K.Balaji, learned Counsel appearing for the petitioner and Mrs.A.Sri Jayanthi, learned Special Government Pleader appearing for the first respondent and Mr.B.Nedunchezhiyan, learned counsel appearing for the respondents 2 and 3.

2. The petitioner is the owner of the shop in Plot No.3/PC-7, Mugappair West, Chennai 600 037, and he prays for an issuance of a writ of mandamus, to direct the third respondent to open the Liquor shop No.8833 in the said premises owned by the petitioner.

3. The reason for approaching this Court is, that the TSMAC has entered into a lease agreement with the petitioner and has taken the petitioner's shop on lease. After obtaining appropriate clearances from the District Collector, with regard to the proposed location for the liquor shop, the stock has been transferred and all arrangement have been made, but for the reasons best known to the third respondent, the shop is not opened till date.

4. It appears that one V.Raja, who is stated to be the owner of a building, where another liquor shop is functioning, has filed a Public Interest Litigation in W.P.No.17352 of 2017, before this Court to forbear the respondents from opening the TASMAC bearing Shop No.8833, or shifting it to the present premises owned by the petitioner. The said writ petition was dismissed by the Hon'ble Full Bench, by order dated 10.07.2017. Therefore, it is submitted that in spite of there being no other embargo, the respondents 2 and 3 have not opened the shop till date and this cannot be a reason for approaching this Court to direct the respondent TASMAC to open the shop.

5. The petitioner, being the owner of the premises or as a lessor has to workout his remedies in the manner known to law. The arrangement between the petitioner and the respondent TASMAC is contractual. Therefore, in the opinion of the TASMAC, if it would be ideal for them to locate the shop in the building owned by the petitioner and there is no other objection or violation of the rules, it is well open to the respondents 2 and 3 to locate the shop in the premises owned by the petitioner.

T.S.SIVAGNANAM,J.

gsk

6. With the above observation, the writ petition is disposed of. No costs.

31.07.2017

Index : No  
Internet : Yes  
gsk

To

- 1.The District Collector,  
Thiruvallur District,  
Thiruvallur.
- 2.The Senior Regional Manager,  
TASMAC, LLA Building,  
Mount Road,  
Chennai.
- 3.The District Manager,  
TASMAC, Thiruvallur East,  
No.1, Chennai-Bangalore Highway,  
Sembarambakkam,  
Chennai.

W.P.No.19510 of 2017