

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
The HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.29933 of 2017

Radhakrishnan Kambi

.. Petitioner

vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The District Manager,
TASMAC,
Coimbatore South.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents from shifting the TASMAC retail outlet shop bearing No.1383 functioning at Sengathurai Village, Sulur Taluk, Coimbatore District.

For Petitioner : Mr.J.Pratheep

For Respondents : Mr.T.N.Rajagopalan
Government Pleader (i/c)
for respondent No.1

सत्यमेव जयते
Mr.K.Sathish Kumar
for respondent No.2

ORDER

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

In this writ petition filed by way of public interest litigation, the petitioner has sought a writ of mandamus or an appropriate writ, order or direction restraining the respondents from shifting the TASMAC retail outlet shop bearing No.1383 functioning at Sengathurai Village, Sulur Taluk, Coimbatore District.

2. Learned counsel appearing on behalf of respondent No.2 points out that the shop number should be 1838 and not 1383.

3. According to the petitioner, before the shop was established there used to be illicit sale of liquor in the locality. and after setting up of the TASMAL shop, the residents of the locality have been able to stop the illicit sale of liquors.

4. Unfortunately, it is not for the Court to decide where a liquor shop should be situate. In cases where liquor shops are set up in contravention of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 or in contravention of judicial orders, this Court intervenes, but not otherwise.

5. The writ petition is absolutely misconceived. It is not for this Court to restrain the respondents from shifting the liquor shop to the locality of the choice of the respondents. The District Collector, Coimbatore shall however take necessary steps with the assistance of the District Police authorities to ensure that there is no illicit/illegal sale of liquor in the area in question.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

bbr

To:

1.The District Collector,
Coimbatore District,
Coimbatore.

+ 1 cc to Mr.K.Sathish Kumar Advocate, SR.85466
+ 1 cc to The Govt.Pleader, SR.85809

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NR 19/12/2017