



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

AND

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.[MD].No.10567 of 2017

and

W.M,P.(MD).No.8046 of 2017

Thilaga Bama

: Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Chairman,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower-II,
IV Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.

3.The District Collector,
Virudhunagar District,
Virudhunagar.

4.The District Manager,
TASMAC,
Virudhunagar District,
Virudhunagar.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third and fourth respondents forthwith to close and remove the TASMAC liquor shop No.11846, situated at No.3/252A, Sidhurajapuram, Prithivi Nagar Ayyanar Colony, Sivakasi, Virudhunagar District.

For Petitioner : Mr.A.Rajkumar

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader
For R1 to R3

: Mr.A.Arumugam

For R4



ORDER

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition to direct the respondents 3 and 4 to close and remove the TASMAC shop NO.11846 situated at D.No.3/252A, Sidhurajapuram, Sivakasi, Virudhunagar District.

2. The report submitted by the District Collector, Virudhunagar indicates that the shop is not located within the prohibited distance. Therefore, it is not possible for this Court to issue a Mandamus as prayed for by the Writ Petitioner. However, we make it clear that this order declining to issue the writ would not stand in the way of the petitioner from approaching the District Collector or this Court, in case the shop is a perennial source of nuisance to the people of the area in question.

3. The Writ Petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai-600 009.
 - 2.The Chairman,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower-II,
IV Floor, Gandhi Irwin Bridge Road, Egmore, Chennai-600 008.
 - 3.The District Collector,
Virudhunagar District, Virudhunagar.
 - 4.The District Manager,
TASMAC,
Virudhunagar District, Virudhunagar.
- +1cc to Special Government Pleader, SR.No. 71705

ssl/tsg

MAS/SKN-RSK/SAR2:29.08.2017:2P-6C

Order made in
W.P.[MD].No.10567 of 2017

Dated:
07.08.2017