



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.10605 of 2017

and

W.M.P. (MD) .No.8091 of 2017

M.Periyasamy : Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Madurai Region,
100 Feet road,
Annanagar,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation,
Madurai North,
Ramanathapuram Road,
Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to close the TASMAC Shop No.5451 at Uranganpatty Village, Melur Taluk, Madurai District, Madurai on the basis of the petitioner's representation dated 15.05.2017.

For Petitioner

: Mr.C.Gunasekaran

For R.2 & R.3

: Mr.H.Arumugam

Standing Counsel For TASMAC

For Respondent No.1

: Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner seeks a direction for closing the

<https://hcsa.gov.in/hcsa-services>

TASMAC Shop No.5451 at Uranganpatty Village, Melur Taluk, Madurai District, Madurai. He had already submitted a representation



dated 15.05.2017. Since no action was taken, the present writ petition came to be filed.

2.The writ petitioner would contend that the Kaliyamman Temple is situated in Survey No.260/3B. But, this Court had directed the Tahsildar, Melur Taluk, to submit a report with regard to the date of construction for the said temple. The Tahsildar, Melur Taluk, submitted a report dated 10.08.2017, pointing out that the said temple belongs to private individuals and that no prior permission was obtained before constructing the said temple and that the construction activities commenced one year back and the kumbabishekam was performed on 05.05.2017. But the TASMAL shop has been functioning from the year 2009. If there is a public temple is existence and a liquor shop is proposed to be located within the prohibited distance, this Court can intervene. But, in the present case, it is the temple which was subsequently constructed whereas the TASMAL Shop was already in existence.

3.Therefore, this Court is not in a position to grant any relief to sought for in this writ petition. It stands accordingly dismissed. Consequently, connected W.M.P.(MD).No.8091 of 2017 is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation,
Madurai Region, 100 Feet road,
Annanagar, Madurai.
- 3.The District Manager,
Tamil Nadu State Marketing Corporation,
Madurai North,
Ramanathapuram Road, Madurai.

+One cc to Mr.H.Arumugam, Advocate, SR.No.72830

+One cc to Mr.C.Gunasekaran, Advocate, SR.No.73079

tsg

RL/6C/2P/KP/SAR1/7/11/2017

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in
W.P. (MD) No.10605 of 2017
dated: 16.08.2017