



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11036 of 2017
and
W.M.P. (MD) .No.8457 of 2017

Raj : Petitioner

Vs.

1. The District Collector,
Kanyakumari District.
2. The District Manager,
TASMAC,
Kanyakumari District
at Nagercoil.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from opening the Tasmac Shop in Sunaparai at Pukkodu Village, Kalkulam Taluk, Kanyakumari District or any other place under the limit of Kannanoor Village Panchayat.

For Petitioner	: Mr.K.P.Narayana Kumar
For Respondent No.1	: Mr.M.Govindan Special Government Pleader
For Respondent No.2	: Mr.S.Vinayak For Mr.B.Jameel Arasu Standing Counsel For TASMAC

O R D E R

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

This writ petition has been filed in public interest for the benefit of villagers of Kannanoor Village in Kalkulam Taluk, Kanyakumari District.

2. The writ petitioner seeks to restrain the respondents from opening the Tasmac liquor shop in Sunaparai in Pukkadu



Village, Kalkulam Taluk, Kanyakumari District, under the limit of Kannanoor Village Panchayat.

3. When the writ petition was taken up for hearing, it was submitted that there is no proposal to open the shop at present. But, it appears that such an idea was earlier mooted. That is why, the villagers conducted agitations and also submitted representations to the authorities. Though no further orders are required at present in this writ petition, we make it clear that we leave open all the issues. We have already held that the Tasmac shops can be housed only in premises that have a proper planning approval and building permit. That apart, the use of the premises must be in conformity with the zoning regulations. Unless all the parameters laid down in law are fulfilled, such shop cannot be opened.

4. With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Kanyakumari District.

+ 1 cc TO Mr. B. Jameel Arasu, Advocate in SR No. 76474
+ 1 cc TO Mr. K. P. Narayana Kumar, Advocate in SR No. 76374

tsg
AE/GT/SAR2/06.11.2017/2P/4C

Order made in
W.P. (MD) No. 11036 of 2017
and
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dated: 04.09.2017