



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM:

WEB COPY

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

W.P. (MD) No. 11071 of 2017
and
W.M.P (MD) .No.8488 of 2017

K.M.Natchimuthu .. Petitioner

Vs.

1. The District Collector,
Karur District,
Karur.

2. The District Manager,
TASMAC,
Karur.

3. The Thasildar,
Aravakurichi Taluk,
Karur District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents from running the TASMAC Liquor Vending Shop No.5053 in the limit of their village namely nadupalayam Thukkatchi Village, Kodumudi via, Aravakurichi Taluk, Karur District as per the petitioner's representations dated 08.05.2017 and 05.06.2017.

For Petitioner : Mr.S.Gokul Raj

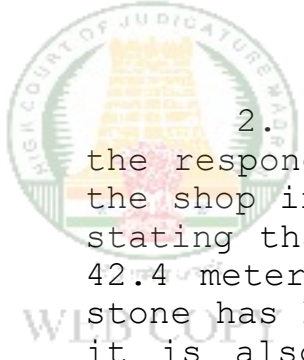
For Respondents No.1 : Mr.T.S.Md.Mohideen
Additional Government Pleader

For Respondents No. 2 : Mr. H.Arumugan

O R D E R

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

The writ petitioner is aggrieved by the running of TASMAC
Liquor Vending Shop No.5053 at its present place.



2. According to the writ petitioner, this Court directed the respondents to submit a report with regard to the location of the shop in question. The first respondent has submitted a report stating that a Karuppanna Samy Temple is located at a distance of 42.4 meters, but the said Temple does not have statue. Only a stone has been put up under a tree. No doubt in the said report, it is also mentioned that the public occasionally workshop the said Karuppanna Samy Temple. Since such a temple cannot be construed as a place of worship within the meaning of the definition set out in the relevant Rules, this Court has to hold that the writ petitioner has not made out a case for issuing a direction to shift the shop or close the same.

3. In such view of the matter, this writ petition is dismissed. However, it is made clear that if the continued running of the said TASMACH Shop No.5053 at SF.No.332-1 B of (Nadupalayam) Thukkachi Village at Aravakurichy Taluk gives rise to nuisance, it is certainly open to the writ petitioner to move the first respondent in this regard.

4. This writ petition is dismissed with such liberty. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Karur District,
Karur.

3. The Thasildar,
Aravakurichi Taluk,
Karur District.

+1cc to MR.S.Gokulraj, Advocate in Sr.No.71212

+1cc to Mr.H.Arumugam, Advocate in SR.No.71240

rmk/das

AE/SKN RSK/SAR4/18.08.2017/2P/6C

ORDER MADE IN

W.P. (MD) No. 11071 of 2017
and

W.M.P (MD) .No.8488 of 2017
07.08.2017