



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.12375 of 2017

S.Rajinikanth

... Petitioner

Vs.

1. The District Manager,
TASMAC,
Pudukkottai District,
Pudukkottai.
2. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
3. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Manamelkudi Taluk,
Pudukkottai.
4. The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District,
Pudukkottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to ensure that the order of the District Collector, Pudukkottai District in Na.Ka.702/2015/J4, dated 07.05.2015 is implemented in strict sense by functioning the TASMAC Shop No.6706 at Patta No.2507, Survey No.8/9A1B, Door No.1297/B, Manelmelkudi, Pudukkottai District, with sufficient police protection.

For Petitioner : Mr.M.Eswaran

For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the respondents to ensure that the order of the District Collector, Pudukkottai District in Na.Ka.702/2015/J4, dated 07.05.2015 is implemented in strict sense by functioning the TASMAC Shop No.6706 at Patta No.2507, Survey No.8/9A1B, Door No.1297/B, Manelmelkudi, Pudukkottai District, with sufficient police protection.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The petitioner submitted that he is the lessee of TASMAC Shop No.6706 situated at Patta No.2507, Survey No.8/9A1B, Door No.1297/B, Manelmelkudi, Pudukkottai District. The said shop is situated very remotely to the village. He further submitted that the period of his lease was extended from 29.11.2016 to 28.11.2017 under the provisions of Tamil Nadu Prohibition Act, 1937 (Tamil Nadu Act X of 1937) and the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. However, pursuant to the order of the Hon'ble Supreme Court, TASMAC shops within the radius of 500 meters from National Highways were closed and some of the shops were shifted to distant place strictly in adherence to the conditions stipulated by the Hon'ble Supreme Court. He further submitted that the petitioner's shop is situated as per the conditions stipulated by the Hon'ble Supreme Court. However, a mob consisting of people from opposite political party have gathered in front of the shop and started indulging in violence. Therefore, the petitioner has come forward with the above Writ Petition.

4.The petitioner must be a person given licence for running the bar attached to the TASMAC shop. However, he claims that he was granted licence to run the shop. The shop cannot be run by an individual. When public object to the running of shop, the District Collector, shall consider the same and pass appropriate order. The petitioner cannot insist opening the shop in a particular place and he is not aggrieved if the first respondent has no grievance by respecting the objection of public.

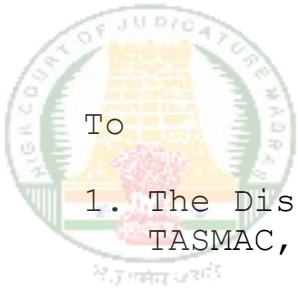
5.Having regard to the facts narrated in the affidavit filed in support of this Writ Petition, this Court is of the view that the petitioner has no *locus standi*. Hence, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To

1. The District Manager,
TASMAC, Pudukkottai District, Pudukkottai.
2. The Superintendent of Police,
Pudukkottai District, Pudukkottai.
3. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Manamelkudi Taluk, Pudukkottai.
4. The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District, Pudukkottai.

+1cc to Mr.M.Eswaran, Advocate in SR.No.66667

+1cc to The Special Government Pleader in SR.No.66272

SRM

AE/KP/SAR2/01.08.2017/3P/7C

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