



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

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

W.P. (MD)No.12520 of 2017

Murugan Foundation,
Through its Found Trustee,
M.Murugan, S/o.K.Mony,
No.7-81, Near Post Office,
Arasamoodu Junction, Kulasekhram Post 629 161,
Kanyakumari District.

.. Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagercoil.
2. The Superintendent of Police,
Kanyakumari District, Nagercoil.
3. The District Manager,
MFS Depot, TASMAL Limited,
Door No.25/1, Nos.837& 25/2-838,
Konam Industrial Estate, Nagercoil 629 004. ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from opening and running TASMAL retail vending shops and bars contravening the directions issued by the Hon'ble Supreme Court in Civil Appeal Nos.12164 to 12166 of 2016, dated 15.12.2016 and 31.03.2017 as well as mandatory provisions of Tamil Nadu Liquor Vending [In Shops and Bard] Rules, 2003, in Kanyakumari District, by considering the petitioner's representation dated 19.05.2017.

For petitioner : Mr.M.P.Senthil

For respondents 1&2 : Mr.M.Govindan
Special Government Pleader

For Respondent No.3 : Mr.B.Jameel Ärasu
Standing Counsel

<https://hcservices.ecourts.gov.in/hcservices/>
For Advocate Commissioner : 1. Mrs.K.M.Priscilla Jancy
2.Mrs.R.Murugeswari

**O R D E R**

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

The learned Standing Counsel for the TASMAC, on instructions, submitted that after appointing the Advocate Commissioners by this Court to inspect and submit a report as to whether the TASMAC Shops bearing Nos.4830, 4837, 4841 and 4813 are situated within the prohibited distance, the TASMAC Shop Nos.4841 and 4813 were closed. The dispute now relates to TASMAC Shop Nos.4830 and 4837 only.

2. The report submitted by the Advocate Commissioners indicates that there is no statutory violation in respect of TASMAC Shop Nos.4830 and 4837. We, therefore, do not see any reason to issue a Writ of Mandamus, as prayed for by the petitioner.

3. The report submitted by the Advocate Commissioner would indicate that the District Manager, TASMAC has not given correct particulars before this Court. The counter affidavit filed by the District Manager, TASMAC, would indicate that the location of TASMAC Shop Nos.4841 and 4813 are not situated within the prohibited distance. The report submitted by the Advocate Commissioners falsified the said contention.

4. Though this is a fit case to take action against the District Manager, TASMAC, Nagercoil, we refrain from doing so. We direct the District Manager, TASMAC, Nagercoil, to pay a sum of Rs.10,000/- each to the Advocate Commissioners, towards additional remuneration, within a period of one week from today.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

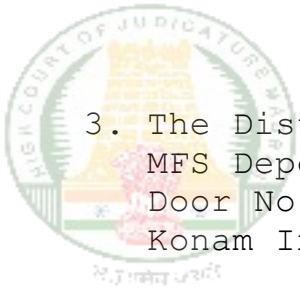
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Sub Assistant Registrar

To:

1. The District Collector,
Kanyakumari District, Nagercoil.

2. The Superintendent of Police,
Kanyakumari District, Nagercoil.



3. The District Manager,
MFS Depot, TASMAL Limited,
Door No.25/1, Nos.837& 25/2-838,
Konam Industrial Estate, Nagercoil 629 004.

Copy to:

1.Mrs.K.M.Priscilla Jancy, Advocate (2015/14),
No.20, Law Chamber,
High Court Buildings, Madurai.
Cell No.9092754006

2.Mrs.R.Murugeshwari, Advocate,
No.22, Law Chamber,
High Court Buildings, Madurai.
Cell No.9489712562.

+1cc to Mr.B.Jameel Arasu, Advocate in SR.No.75927
+1cc to Mr.M.P.Senthil, Advocate in SR.No.75569

NB

AE/MR KKR/SAR1/05.09.2017/3P/8C

ORDER MADE IN
W.P. (MD) No.12520 of 2017
30.08.2017