



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.13970 of 2017

and

W.M.P(MD) No.10926 & 13651 of 2017

C.Ramesh

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
@ Nagercoil.

2.Managing Director,
Tamil Nadu State Marketing Corporation Ltd,
CMDA Tower - II, 4th Floor, Egmore,
Chennai - 600 008.

3.The District Manager,
TASMAC Ltd, Konam Indl.Estate,
Nagercoil 629 004,
Kanyakumari District.

4.The Tahsildar, Kalkulam Taluk,
Kanyakumari District.

5.A.Dominic Raj
(R5 is impleaded vide
Court order dt.28.08.17 in
WMP(MD)No.12450 of 2017)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to remove the third respondent's TASMAC wine retail outlet shop in Kalkurichi Village Panchayat limit and ensure the peaceful life of people living in Kalkurichi Village Panchayat, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.k.Vamanan

For Respondents : Mr.M.Govindan,

Spl.Govt.Pleader for R1 & R4

Mr.B.Jameel Arasu for R2 & R3

Mr.D.Saravanan for R5

**O R D E R****(Order of the Court was made by G.R.SWAMINATHAN, J.)**

This writ petitioner seeks closure of TASMAL liquor outlet in Kalkurichi Village Panchayat, Kalkulam Taluk, Kanyakumari District.

2.The principal contention is that the building in which the TASMAL outlet is presently functioning is not an approved one. It is however submitted both by the building owner as well as the standing counsel for the TASMAL that an approval was given by the local panchayat for running a hollow brick unit. Therefore it cannot be stated that the building that has been put up is an unapproved one. There is only a change of user. That apart the writ petitioner is not in a position to point out any other statutory violation. It is alleged by the learned counsel for the building owner that the writ petitioner as well as the building owner belong to the same village panchayat. But on account of some internal rivalries, the writ petition has been instituted.

3.We do not want to question the motive of the writ petitioner. However, since the statutory violation could not be pointed out by the learned counsel for the writ petitioner, we are not inclined to grant the relief sought for in this writ petition. We therefore dismiss this writ petition. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Kanyakumari District, @ Nagercoil.

2.The Tahsildar, Kalkulam Taluk, Kanyakumari District.

+1cc to M/S.K.VAMANAN, Advocate SR.No.78635

+1cc to M/S.B.JAMEEL ARASU, Advocate SR.No.78177

+1cc to M/S.D.SARAVANAN, Advocate SR.No.77812

Skm / Arul

MAS/KP/SAR1:04.10.2017:2P-6C

W.P(MD)No.13970 of 2017**and****W.M.P(MD) No.10926 & 13651 of 2017****11.09.2017**