

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 07.09.2017****CORAM:**

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

W.P. (MD)No.14024 of 2017
and
W.M.P. (MD)No.10971 of 2017

V.Kanniah

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Principal Secretary,
Department of Home, Prohibition and Excise,
Secretariat,
Chennai-9.
 2. The Tamil Nadu State Marketing Corporation (TASMAC) Ltd,
Corporation Ltd, Rep by its
Chairman and Managing Director,
Thalamuthu Natarajar Building,
Egmore,Chennai-600 008.
 3. The District Collector,
Ramanathapuram District,
Ramanathapuram.
 4. The Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd,
Madurai.
 5. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd,
Ramanathapuram.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, for a direction, forbearing the respondent no.4 and 5 from opening the new TASMAC Shop at Ayyanar Kovil Street, Mandambam camp, Near Madurai to Rameshwaram national highway(NH-49), Ramanathapuram District in violation of the Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003 and the Judgment of the Supreme Court in Civil Appeal Nos.12164-12166 of 2016 in State of Tamil Nadu Vs. K.Balu dated 15.12.2016.



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For Petitioner : Mr.S.Rajasekar
For Respondents 1 & 3 : Mr.M.Govindan
Special Government Pleader
For Respondents 2,4 & 5 : Mr.B.Jameel Arasu
Mr.K.Srinivasaragavan
Advocate Commissioner

O R D E R

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

The writ petitioner seeks a direction forbearing the authorities from opening the new TASMAL liquor outlet at Ayyanar Kovil Street, Mandambam camp, Near Madurai to Rameshwaram national highway(NH-49), Ramanathapuram District.

2.The writ petitioner is not in a position to point out any commission of statutory violation in the location of the said liquor outlet. The report submitted by the Advocate Commissioner does not support the case of the writ petitioner.

3.There is no merit in the writ petition, it stands dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary,
Department of Home, Prohibition and Excise,
Secretariat,
Chennai-9.

2. The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.77388
+1cc to Mr.B.Jameel Arasu, Advocate sr.No.77623
+1cc to The Spl.Government Pleader sr.No.77965

RMI

VB/SKN/RSK/SAR2/26/09/2017/2P/6C