



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2017**

CORAM:

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

W.P. (MD) No.16078 of 2017
and
W.M.P. (MD) .No.12752 of 2017

V.Ganesh : Petitioner
Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Assistant Commissioner,
Prohibition and Excise,
Dindigul.

3. The General Manager,
TASMAC,
Dindigul Zonal,
Dindigul.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents not to open the new TASMAC Shop in Survey No.367/2D, at Sangupillai Pudur, Ottanchithiram Taluk, Dindigul District, on the basis of the petitioner's representation dated 29.06.2017, within the time frame fixed by this Court.

For Petitioner : Mr.M.Suresh
For Respondent No.1 : Mr.M.Govindan
Special Government Pleader
For R2 & R3 : Mr.H.Arumugam

O R D E R

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

This writ petition is filed for restraining the respondents from opening any Tasmac liquor shop in Survey No.367/2D at Sangupillai Pudur, Ottanchathiram Taluk, Dindigul District. The writ petitioner has already given a representation dated



29.06.2017 in this regard.

2. When the matter was taken up for disposal, the learned Standing Counsel for the Tasmac submitted that there is no proposal as of now to open the shop in the site in question. He, however, indicated that there is a request in the owner of the premises to open the Tasmac shop in his place. Since the first respondent has not given any permission, there is no need to agitate in the matter as of now.

3. We, however, make clear that we leave open all the issues. We have already held that the Tasmac shops can be housed only in premises that have a proper planning approval and building permit. That apart, the use of the premises must be in conformity with the zoning regulations. Unless all the parameters laid down in law are fulfilled, such shops cannot be opened.

4. With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.

2. The Assistant Commissioner,
Prohibition and Excise,
Dindigul.

3. The General Manager,
TASMAC, Dindigul Zonal,
Dindigul.

+ 1 cc TO Mr.S.Karthik , Advocate in SR No. 76269

+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 76910

tsg

AE/KK/SAR3/13.10.2017/2P/6C

Order made in

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and

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dated: 04.09.2017