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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.16186 of 2017

and

W.M.P.(MD) Nos.12862 & 12863 of 2017

M/s.High Power V Hotel Service Pvt. Ltd.
Represented by its Managing Partner
Mr.Venkatraman,
No.43, 44, Kuruvikaran Street,
Near Anna Bus Stand, Madurai
Having its registered office at
Plot No.61, Sairam Apartments 5th Cross Street,
Loggaiah Colony,
Salaigram,
Chennai - 600 093.

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Commissioner,
Prohibition and Excise,
Chepauk,
Chennai - 600 005.

3.Senior Divisional Manager cum
District Revenue Officer,
TASMAC, Anna Nagar,
Madurai.

4.District Manager cum Deputy Collector (TASMAC Ltd)
Madurai - Rameshwaram National Highways
Kazhugar Kadai Vilakku,
Manalur, Madurai North.

5.Additional Superintendent of Police
Prohibition of Alcohol and Enforcement Wing,
Madurai City.

<https://hccer.mca.gov.in/Supervision>
6.Deputy Superintendent of Police,
Prohibition of Alcohol and Enforcement Wing,
Madurai City.



7.Excise Duty Supervisor,
Manalur, Madurai.

8.Divisional Excise Duty Officer,
Madurai North, Madurai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records of the impugned order in Na.Ka.No.15983/2016/X2 dated 31.03.2017 passed by the first respondent and quash the same.

For Petitioner : Mr.J.Johnson
For Respondents : Mr.J.Gunaseelan Muthiah - RR1, 2,5 to 8
Government Advocate
: Mr.H.Arumugam - RR3 & 4

O R D E R

This writ petition has been filed, seeking to quash the impugned order passed by the first respondent in Na.Ka.No. 15983/2016/X2 dated 31.03.2017, in and by which, the petitioner was directed to close down the TASMAR Bar, as the same is situated within the distance of 500 mtrs. from the State Highways.

2. Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for Respondents 1, 2, 5 to 8 and Mr.H.Arumugam, learned Standing Counsel takes notice for Respondents 3 and 4. By consent on either side, the writ petition is taken up for final disposal at the stage of admission itself.

3. This Court, while dealing with the similar issue in W.P (MD)Nos.6186 to 6199 of 2017, etc., batch decided on 28.08.2017, had gone into all the material aspects, perused various judgments of the Hon'ble Supreme Court connected hitherto and inter alia passed the order, the relevant portion of which, is extracted as under:

".....

11. At this juncture, it is brought to the notice of this Court that the Honourable Supreme Court, in Arrive Safe Society of Chandigarh v. The Union Territory of Chandigarh and another [Special Leave Petition (Civil) No.10243 of 2017, decided on 11.07.2017], clarified the earlier order dated 15.12.2016 and the relevant portion is extracted hereunder:

"6. The judgment of this Court dated 15 December 2016 addresses dangers to life and health caused by drunken driving on national and state highways and specifically deals with the problem from the perspective of the availability



by the petitioners in these writ petitions, deems it fit to direct the Commissioner, Prohibition and Excise Department, Ezhilagam, Chepauk, Chennai - 600 005 as well as the District Collectors concerned, as the case may be, to consider the claim of the petitioners herein strictly in terms of the clarification issued by the Honourable Supreme Court, in Arrive Safe Society of Chandigarh v. The Union Territory of Chandigarh and another [Special Leave Petition (Civil) No.10243 of 2017, decided on 11.07.2017] and pass necessary/appropriate orders on merits and in accordance with law, forthwith.

4. Considering the facts and circumstances of the case and also taking into account the fact that the matter is squarely covered by the aforesaid judgment, this Court, without going into the merits of the matter, directs the first respondent / District Collector to consider the claim of the petitioner strictly in terms of the clarificatory order, issued by the Honourable Supreme Court in Arrive Safe Society of Chandigarh v. The Union Territory of Chandigarh and another [Special Leave Petition (Civil) No.10243 of 2017, decided on 11.07.2017] and pass necessary / appropriate orders on merits and in accordance with law forthwith.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Madurai.
- 2.The Commissioner,
Prohibition and Excise,
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Chennai - 600 005.
- 3.Senior Divisional Manager cum
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TASMAC, Anna Nagar,
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Manalur, Madurai.

8.Divisional Excise Duty Officer,
Madurai North, Madurai.

+1cc to M/S.J.Johnson, Advocate SR.No. 75392
+1cc to M/S.H.Arumugam , Advocate SR.No. 75314
+1cc to Special Government Pleader, SR.No. 76109

W.P (MD) No.16186 of 2017
29.08.2017

RM/AR
JM/SKN RSK/SAR 3/05.09.2017/5P/12C