

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 14.09.2017****CORAM:****THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN****and****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) No.17359 of 2017****and****W.M.P. (MD) .No.13896 of 2017**

I.Sabeer Mohamed

.. Petitioner

Vs.

1. The Secretary,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai.

2. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
CMDA, Tower-II, IVth Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

3. The District Collector,
Office of the District Collector,
Madurai, Madurai District.

4. The Senior Regional Manager (TASMAC) /
District Revenue Officer,
Office of the Senior Regional Manager,
Annanagar, Madurai.

5. The District Manager,
TASMAC, Madurai,
Madurai.

6. The Divisional Officer (Excise),
Madurai North,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the Respondents Nos.1 to 3 from giving permission to locate or relocate more number of TASMAC retail shops in and around Madurai city and in suburban area.



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For petitioner

: Mr.S.Malaikani

For R.1 and R.6

: Mr.M.Govindan
Special Government Pleader

For R.2 to R.5

: Mr.B.Pugalendhi,
Additional Advocate General,
Assisted by Mr.H.Arumugam
Standing Counsel for TASMAL

O R D E R

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

This writ petition has been filed for forbearing the respondents 1 to 3 from giving permission to locate or relocate more number of TASMAL retail liquor outlets in and around Madurai city and in suburban area.

2. The location of the said liquor outlets are governed by statutory Rules, namely the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. Rule 8, is particularly relevant. The District Collector is the authority, who is competent to grant permission with regard to site location. If the site falls within the prohibited distance within the educational Institutions and places of workship, then, there can be intervention at the hands of this Court.

3. It is not open to the writ petitioner to make general prayers. Unless the particular site is objectionable, it is not open to the writ petitioner to forbear the respondents from granting permission. In any event, the Statutory Authority cannot be restrained, in advance, from discharging his Statutory Obligations. The decision to grant permission to locate or relocate the TASMAL retail liquor outlets at Madurai can be challenged only on a case to case basis.

4. This Court is unable to entertain general prayers, which are sweeping and omnibus in nature. The writ petitioner has given his representation on 12.09.2017. This petition has been filed on 13.09.2017. This Court has deprecated the practice of filing writ petitions seeking issuance of a Writ of Mandamus, immediately after lodging representation to the authority. In other words, the authority must be given sufficient time to consider the representation submitted by the writ petitioner. The conduct of the writ petitioner, in rushing to this Court, immediately after posting the representation, deserves to be taken note of seriously. We find no merit in this writ petition.



5. The writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To:

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Madurai.
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Madurai North,
Madurai.

+1cc to Mr.H.Arumugam, Advocate SR.No.79109

+1cc to The Spl.Government pleader Sr.No.79055

KM/PSD

VB/SKN/RSK/SAR2/27/09/2017/3P/9C

ORDER MADE IN
W.P. (MD) No.17359 of 2017
14.09.2017