



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.19802 of 2017

T.Kannan

... Petitioner

Vs.

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

2. The Superintendent of Police,
Nagercoil,
Kanyakumari District.

3. The District Manager,
(TASMAC),
Nagercoil,
Kanyakumari District.

4. The Assistant Commissioner of Excise and Prohibition,
Collectorate,
Nagercoil,
Kanyakumari District.

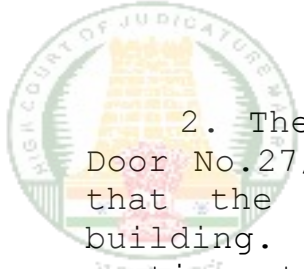
... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India prayed to issue a Writ of Mandamus directing the respondents to grant permission to reopen the TASMAC shop No.4896 which is situate in Door No.27/A/6 at Kurunthancode, Kanyakumari District, by considering the representation dated 19.09.2017.

For Petitioner	: Mr.S.Siva Thilakar
For R1, R2 & R4	: Mr.Gunaseelan Muthiah, Government Advocate.
For R3	: Mr.B.Jameel Arasu Standing Counsel for TASMAC

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to grant permission and to reopen the TASMAC shop No.4896 which is situate in Door No.27/A/6 at Kurunthancode, Kanyakumari District, by considering the representation dated 19.09.2017.



2. The petitioner is owning the building which is situate in Door No.27/A/6 at Kurunthancode, Kanyakumari District. It appears that the TASMALC shop was originally functioning in the said building. Due to some local issues, the TASMALC shop could not continue to run. It is the case of the Writ Petitioner, that his premises has building approval and that there was no statutory violation. He, therefore, sent a representation to the authorities for reopening the said TASMALC Shop No.4896 in his premises. Since there was no response, the present Writ Petition has been filed.

3.A Writ of Mandamus will lie only when there is infringement of fundamental or statutory rights. The Writ Petitioner cannot insist that the TASMALC liquor outlet should operate from his house premises. It is open to TASMALC to open or close the shop. The Writ Petitioner cannot demand as a matter of right that the authorities must be directed to run the shop from his premises and police protection should be given for the same. There is absolutely no merit in the prayer of the writ petitioner.

3.This Writ Petition stands dismissed accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Nagercoil,
Kanyakumari District.
2. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
3. The District Manager,
(TASMALC),
Nagercoil,
Kanyakumari District.
4. The Assistant Commissioner of Excise and Prohibition,
Collectorate,
Nagercoil,
Kanyakumari District.



+1cc to Mr.S.Siva Thilakar, Advocate Sr.No.83909
+1cc to Mr.B.Jameel Arasu, Advocate Sr.No.84083
+1cc to Spl.Government Pleader Sr.No.84020,84117

DSS/KMI

VB/KP/SAR2/20.11.2017/3P/8C

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