

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.07.2017

CORAM:

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

W.P.(MD)No.8013 of 2017
and
W.M.P.(MD) .No. 6193 of 2017

P.S.Chellaphan

...Petitioner

Vs.

1.The District Collector,
Thanjavur.2.The District Manager,
TASMAC, Thanjavur.3.The Tahsildar,
Peravurani, Thanjavur District.4.The Executive Officer,
Office of the Town Panchayat,
Peravurani,
Thanjavur District.

5.Gunasekaran

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, thereby forbearing the respondents to establish a TASMAC shop and bar adjacent to Sri Periyanki Hall situated at Pattukottai - Peravurani Main Road.

For petitioner : Mr.P.Ganapathi Subramanian

For respondents 1 & 3: Mr.M.Govindan

Special Government Pleader

For respondent 2 : No appearance.

O R D E R[Order of the Court was made by **K.K.SASIDHARAN, J.**]



Tax Department, Trichy, to restrain the respondents from locating the liquor shop near his Marriage Hall.

2. We have heard the learned counsel for the petitioner. We have also heard the learned Special Government Pleader appearing for the respondents 1 and 3.

3. The affidavit filed in support of the Writ Petition does not contain any indication that the proposed location of TASMAC is in violation of statutory provision relating to distance. Merely because the petitioner is having a Marriage Hall, it cannot be stated that the TASMAC Shop should not be located anyway near to it. In case the liquor shop is proposed to be located beyond the prohibited distance, no Mandamus could be issued. In any case, it is not a Public Interest Litigation and it is purely a Private Interest Litigation.

4. In the upshot, we dismiss the Writ Petition with cost quantified at Rs.10,000/- payable to the Superintendent, Annai Sathya Ammaiyar Memorial Government Orphanage, Madurai, within fifteen days from the date of receipt of a copy of this order. The said Home shall stitch uniforms and supply the same to the students in need of help by using the amount. The said amount shall be exhausted in full for the said purpose and a report should be submitted to the Additional Registrar (General) of this Court, after compliance. In case the cost amount is not paid by the petitioner, we direct the District Collector, Tiruchirappalli, to collect the amount from the petitioner under the Revenue Recovery Act treating it as arrears of land revenue and pay the same to the said Home. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Thanjavur.
- 2.The District Manager,
TASMAC, Thanjavur.
- 3.The Tahsildar,
Peravurani, Thanjavur District.
- 4.The Executive Officer,
Office of the Town Panchayat,
Peravurani, Thanjavur District.



5.The District Collector,
Trichy.

6.Superintendent,
Annai Sathya Ammaiyar Memorial
Government Orphanage,
Madurai.

+1cc to M/S. P.GNANAPATHI SUBRAMANIAN, Advocate, SR.No.64633.

ORDER MADE IN
W.P. (MD) No.8013 of 2017
and
W.M.P. (MD) .No.6193 of 2017
07.07.2017

NB/dsk
SDS/SKN:RSK/SAR 1/14.07.2017/3P/8C