



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 01.08.2017

CORAM :
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8403 of 2017
and
W.M.P(MD) .No.6403 of 2017

M.Kannan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Tamil Nadu State Marketing
Corporation Ltd,
Rep.by its Managing Director,
CMDA Tower-II,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 8.

4.The District Manager,
Tamil Nadu State Marketing
Corporation Ltd,
SIDCO Industrial Estate,
Soolakaraimedu,
Virudhunagar District.

5.The Tahsildar, O/o.Tahsildar,
Aruppukkottai,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents to shift the TASMAL Shop No.11907 situate at Pannikundu Village, Aruppukkottai Taluk, Virudhunagar District to any other suitable place according to the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules 2003.

**O R D E R**

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

This writ petition has been filed for directing the respondents to shift the TASMAC Shop No.11907 situate at Pannikundu Village, Aruppukkottai Taluk, Virudhunagar District.

2.In support of his prayer, the writ petitioner also filed an additional affidavit. But neither in the original affidavit nor in the additional affidavit, the writ petitioner had made out any legal ground to sustain his demand for shifting the TASMAC Shop in question. The writ petitioner has not been able to point out that the shop is located within the prohibited distance.

3.The fourth respondent has filed a counter affidavit contending that there is no violation of any statutory provision.

4.The writ petitioner would contend that a temple is situated within the prohibited distance. In support of his contention, he would produce photographs. We are not able to come to a conclusion from the said photographs that the temple in existence within the prohibited distance. The Honourable First Bench of this Court has recently held in WP.No.8902 of 2017, dated 13.04.2017 that the issue regarding location of liquor shops will have to be decided with reference to the provisions of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003. The writ petitioner is not in a position to bring his case within the four corner of the said Statutory Rules.

5.We therefore find no merit in the writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Virudhunagar District, Virudhunagar.

2.The Superintendent of Police, Virudhunagar District, Virudhunagar.

3.The Managing Director,

<https://hcservices.econline.gov.in/hcservices/>

Parvathi Nagar Service Marketing Corporation Ltd,

CMDA Tower-II, Gandhi Irwin Bridge Road, Egmore, Chennai - 8.



4.The District Manager, Tamil Nadu State Marketing Corporation Ltd, SIDCO Industrial Estate, Soolakaraimedu, Virudhunagar District.

5.The Tahsildar, O/o.Tahsildar, Aruppukkottai, Virudhunagar District.

+1cc to Mr.I.Suthakaran,Advocate,SR.69142

+1cc to M/S.Special Government Pleader,SR.69701

W.P (MD) No.8403 of 2017
and

W.M.P (MD) .No.6403 of 2017
01.08.2017

SKM/ARUL

KK/JC/SAR1-21.08.2017-3P-8C