

In the High Court of Judicature at Madras

Dated : 18.1.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.1113 of 2018 & WMP.No.1378 of 2018

1.Srri SPK Public School, rep.by the
Principal

2.SPK Matriculation Higher Secondary
School, rep. by the Principal ...Petitioners

Vs

1.The District Collector, Namakkal
District, Tiruchengode Road,
Nallipalayam Post, Namakkal.

2.The Senior Regional Manager,
TASMAC Ltd., No.56, Brindhavan
Road, Fairlands, Salem-16.

3.The District Manager, IMFS Depot,
TASMAC Ltd., Krishnapuram Road,
Thummankuruchi Village Post,
Namakkal District.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondents to shift or remove or evict the liquor vending
TASMAC shop bearing No.6200 situated in Erode To Tiruchengode
Main Road, Kadachanallur, Kumarapalayam Taluk, Namakkal District
to any other place.

For Petitioners : Mr.Pitty Parthasarathy
For Respondent-1 : Mr.J.Pothiraj, SGP
For Respondents 2 & 3 : Mr.K.Sathishkumar

ORDER

Mr.J.Pothiraj, learned Special Government Pleader accepts
notice for the first respondent. Mr.K.Sathishkumar, learned
Standing Counsel accepts notice for respondents 2 and 3. Heard
both. By consent, the writ petition itself is taken up for final
disposal.

2. The petitioners have filed this writ petition objecting
to the location of a TASMAC retail vending shop bearing No.6200
on the ground that it is situated in a road just opposite to the
petitioners' schools.

3. It is submitted that the safety and security of the children and the teaching and the non teaching staff in the schools are put to prejudice on account of the location of the liquor shop, which was shifted to the present location pursuant to the directives of the Hon'ble Supreme Court. Thus, objecting to the location and seeking removal of the shop, representations were made to respondents 1 and 2 on 19.10.2017 and 04.11.2017.

4. The learned Standing Counsel for respondents 2 and 3 submits that in paragraph 4 of the affidavit filed in support of the writ petition, the petitioners themselves admitted that the TASMAL shop is located around 660 feet away from the schools and the vacant land belongs to one Mr.Swaminathan and one Mr.Duraisamy.

5. This Court has perused the contents of the representations as well as the photographs produced by the petitioner, which would show that a person has fallen down in a drunken state. In any event, the area appears to be a vacant area, that the school buildings are situated in that area and that the shop is located in the road leading to the schools. Thus, without resting on technicalities, the first respondent shall take a pragmatic decision considering the welfare of the students as well as the teaching and the non teaching staff.

6. Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the representation of the first petitioner dated 19.10.2017 by deputing one of the senior officers to cause an inspection of the place preferably a surprise inspection and then take a pragmatic decision in the matter in accordance with law within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.The District Collector,
Namakkal District,
Tiruchengode Road,
Nallipalayam Post, Namakkal.

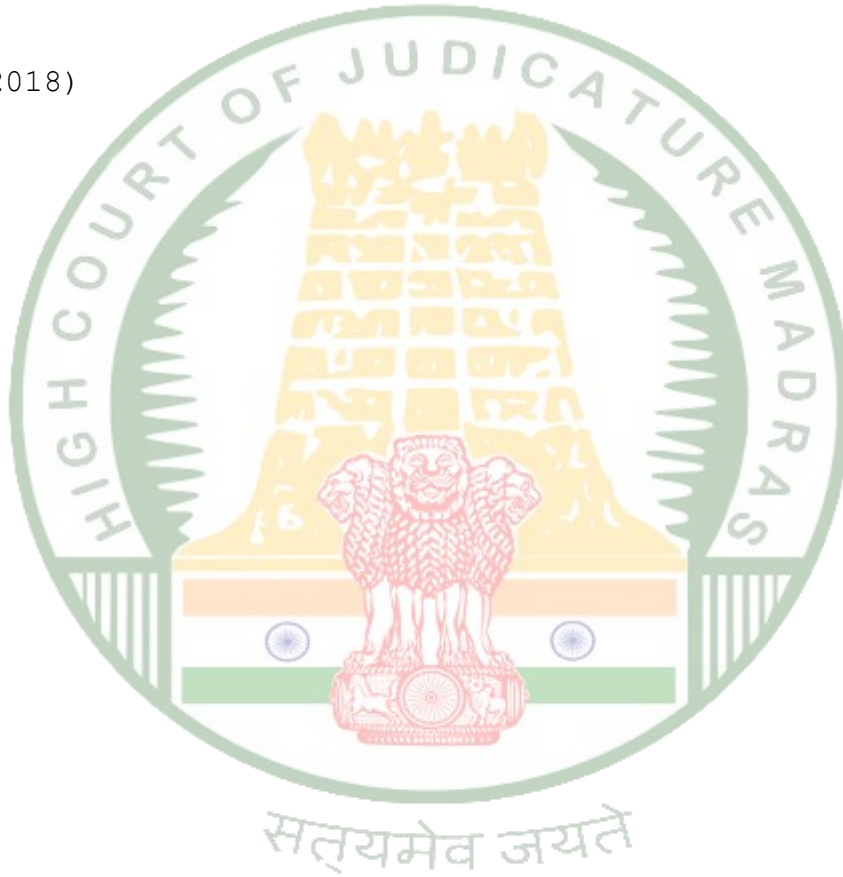
2.The Senior Regional Manager,
TASMAL Ltd., No.56, Brindhavan Road,
Fairlands, Salem-16.

3.The District Manager,
IMFS Depot, TASMAL Ltd.,
Krishnapuram Road,
Thummankuruchi Village Post,
Namakkal District.

+1cc to Mr.K.SATHISH KUMAR, Advocate, S.R.No. 4013
+1cc to the Government Pleader, S.R.No. 4102

WP.No.1113 of 2018&
WMP.No.1378 of 2018

LRS (CO)
TR(07/02/2018)



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