

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.21629 of 2018

S.B.Gandhi

.. Petitioner

Vs.

1. The District Collector
Tiruvallur District
2. The Managing Director
TASMAC Limited
Thalamuthu Natarajan Building
Gandhi Irwin Road
Egmore, Chennai 600 008
3. The Senior Regional Manager
TASMAC Limited
No.735, LLA Building
4th Floor, Anna Salai
Chennai 600 002
4. The District Manager
TASMAC Limited (East)
No.1, Bangalore Highway Road
Sembarapakkam
Tiruvallur District (East)
Tiruvallur District

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for a writ of mandamus, directing the respondents 1 to 4 to forbear from permitting the opening of the TASMAC Shop No.8781 at No.308, P.H. Road, Arikarai, Maduravoyal, Chennai 600 095.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents: Mr.Kamalesh Kannan,
Govt. Advocate for R1
Mr.P.Arumugarajan,
Standing Counsel for TASMAC
for R2 to R4

O R D E R
(Order of this Court was made by S.MANIKUMAR, J.)

Opposing opening of a TASMAL Shop No.8781 at No.308, P.H. Road, Arikarai, Maduravoyal, Chennai 600 095, petitioner is stated to have sent a representation dated 07.08.2018. Contending inter alia that the said representation has not been disposed of, petitioner has filed the instant writ petition, for a mandamus, forbearing the respondents 1 to 4 from permitting the opening of the TASMAL Shop at the above address.

2. On 24.08.2018, we ordered notice to the respondents as hereunder:

" Contending inter alia that Shop No.8781 located at No.308, P.H. Road, Arikarai, Maduravoyal, Chennai - 95, is 15 meters close to National Highway, within the distance of 70 meters from a temple viz., Sri Venkatesan Perumal Anjaneyar Aalayam and within the distance of 95 meters from an International school and thus, there is violation of Rule 8(1) of the Tamil Nadu Liquor and Retail Vending (In Shops and Bars) Rules, 2003, petitioner is stated to have sent a representation dated 07.08.2018 to the District Collector, Thiruvallur District and others. Further contending that the same has not been responded, instant writ petition is filed for a mandamus, directing the respondents 1 to 4, to forbear from permitting the opening of the TASMAL shop No.8781 located at No.308, P.H. Road, Arikarai, Maduravoyal, Chennai - 95.

2. Mr.Sricharan Rangarajan, learned Additional Government Pleader takes notice for respondent No.1.

3. Mr.B.Nedunchezhiyan, learned standing counsel for TASMAL, takes notice for respondent Nos.2 to 4.

4. Post on 28.08.2018. Files regarding location of shop to be produced."

3. Reverting, Mr.P.Arumugarajan, learned standing counsel for TASMAL, submitted that, on 16.08.2018 itself, TASMAL Shop No.8781 has been opened.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. On the prayer for Mandamus, we issued notice on 24.08.2018 to the respondents. Shop has been opened on 16.08.2018. As on today, relief as prayed for, cannot be granted, since prayer has become infructuous. Hence writ petition is dismissed as infructuous. There shall be no order as to costs. It is open to the petitioner, to seek for appropriate remedy.

Sd/-
Assistant Registrar (CO)

// True Copy//

Sub Assistant Registrar

asr

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Tiruvallur District
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Tiruvallur District (East)
Tiruvallur District.

+1cc to Mr.P.Arumugarajan, Advocate SR.No.59020
+1cc to Mr.S.V.Karthikeyan, Advocate SR.No.58971
+1cc to Government Pleader SR.No.59273

W.P.No.21629 of 2018

SR (CO)
RMP (24/09/2018)