

In the High Court of Judicature at Madras

Dated : 19.1.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.1146 of 2018 & WMP.No.1424 of 2018

Ganesan

...Petitioner

Vs

1.The State of Tamil Nadu, rep.by its
Secretary to Government, Home,
Prohibition & Excise Department,
Fort.St.George, Chennai-9.

2.The District Collector, Salem
District, Salem.

3.The Revenue Divisional Officer,
Salem, Salem District.

4.The Tahsildar, Salem West Taluk,
Salem District.

5.The Senior Regional Manager,
TASMAC Ltd., No.56, Brindhavan
Road, Alagapuram, Salem-16.

6.The District Manager, TASMAC
Ltd., Sandhiyur Attaimpatti,
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus forbearing the
respondents from relocating or establishing a TASMAC liquor shop
at Pudhu Road Bus Stop, Street Plant Main Road, Sooramangalam
Post, Salem-5 detrimental to the petitioner's right to life,
peaceful residence and property after considering the
petitioner's representation dated 25.8.2017.

For Petitioner : Mr.N.Anand

For Respondents 1 to 4: Mr.K.Rajendra Prasad, GA

For Respondents 5 & 6 : Mr.K.Sathishkumar

ORDER

Mr.K.Rajendra Prasad, learned Government Advocate accepts
notice for respondents 1 to 4. Mr.K.Sathishkumar, learned
Standing Counsel accepts notice for respondents 5 and 6. Heard

both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner, claiming to be a resident of Sooramangalam Post, has filed this writ petition objecting to the location of TASMAL retail vending shop No.702 at Pudhu Road Bus Stop, Street Plant Main Road, Sooramangalam Post, Salem-5 on the ground that it is detrimental to life and peaceful existence of the public in that area and that the shop is located within the prohibited distance, as stipulated in the relevant Rules, nearby two schools and one place of worship apart from other commercial establishments, which are visited by the public of the area.

3. The shop in question was initially closed on account of the orders passed by the Hon'ble Supreme Court. Now, it appears that the respondent Corporation is contemplating to reopen the shop in the very same place, which has been objected to. In this regard, the petitioner sent a representation dated 25.8.2017 to respondents 2 to 6 including the District Collector, who is the Competent Authority to approve the location of the TASMAL retain vending shop. Since the shop in question has been closed by the TASMAL and is yet to be reopened, the District Collector has to consider the representation of the petitioner dated 25.8.2017.

4. Accordingly, the writ petition is disposed of with a direction to the second respondent - District Collector to consider the representation of the petitioner dated 25.8.2017 by authorizing one of his officers to conduct an inspection and take a pragmatic decision in the matter within 12 weeks from the date of receipt of a copy of this order. Till then, the shop in question shall not be opened in the said location. No costs. Consequently, the connected WMP is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

RS

To

1.The Secretary to Government of Tamil Nadu, Home, Prohibition & Excise

Department, Fort.St.George, Chennai-9.

2.The District Collector, Salem District, Salem.

3.The Revenue Divisional Officer, Salem, Salem District.

4.The Tahsildar, Salem West Taluk, Salem District.

5.The Senior Regional Manager, TASMAL Ltd., No.46, Brindhavan Road,

Alagapuram, Salem-16.

6.The District Manager, TASMAL Ltd., Sandhiyur Attainpatti, Salem District.

7. 1 CC to Government Pleader SR 4620
8. 1 CC to Mr.C.Prabakaran SR 4308
9. 1 CC to Mr.K.Sathish kumar SR 4011

WP.No.1146 of 2018&
WMP.No.1424 of 2018

pvs (CO)
VUM(10.02.2018)



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