

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2018

CORAM

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM
W.P.No.14460 of 2018 &
W.M.P. No.17073 of 2018

Dhanatejha Plot Owners Association -
Mamallapuram
Rep. by its Secretary
Sujatha, W/o. Tony Babu
No.98/4, 156 ECR Main Road
Mamallapuram
Thirukalukundram Taluk
Kanchipuram - 603 104

... Petitioner

vs.

- 1.The District Collector
Kanchipuram District
Kanchipuram
- 2.The Managing Director
TASMAC Ltd.
Thalamuthu Natarajan Building
4th Floor, 2nd Block
Egmore, Chennai - 8.
3. The Secretary to Government
Prohibition and Excise Department
Fort St. George, Chennai - 9.
- 4.The Government of Tamil Nadu
Rep. by its Secretary
Highways and Minor Ports Department
Secretariat, Chennai - 9.
- 5.The District Manager
TASMAC Ltd.
Plot No.14-18,
SIDCO Industrial Estate
Chevelimedu Village
Kanchipuram

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1

to 5 to relocate the TASMAC shop situated at Survey No.64, Mamallapuram Village, Thirukalukundram Taluk, Kanchipuram District in considering our representation dated 02.06.2017 and 07.05.2018 and forbearing them from in any manner proceeding the vending of liquor in the said shop in contravention under section 8 of the Tamil Nadu Liquor Retail Vending (I shop and bar) Rule 2003 framed thereunder.

For Petitioner : Ms.P.Bagyalakshmi

For Respondents : Mr.R.P.Pratap Singh,
Govt. Advocate - for R1, R3 & R4

Mr.Arumugarajan - for R2 & R5

ORDER

Heard Ms.P.Bagyalakshmi, learned counsel appearing for the petitioner, Mr.R.P.Pratap Singh, learned Government Advocate, accepting notice for the respondents 1, 3 and 4 and Mr.Arumugarajan, learned Standing Counsel accepting notice for the respondents 2 and 5. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is an Association, which consists of members, who own residential plots in the Mamallapuram area. The petitioner association is registered under the Tamil Nadu Societies Registration Act, 1975. By way of this writ petition, the petitioner's association projects the grievances of the members of their association, who are aggrieved by the location of TASMAC retail shop, situated at Survey No.64, Mamallapuram Village, Thirukalukundram Taluk, Kanchipuram District.

3. The learned counsel for the petitioner pointed out that the shop was opened on 27.05.2017 and in spite of the objections by the local public, the respondent did not take any action for closure of the shop and now the shop is causing great hindrance and nuisance to the nearby residents and the shop is located in the residential layout and in close proximity, that too, within 300 meters distance from the ECR and the Government Architecture College and the people, who come to the TASMAC Liquor Shop are using the main entrance gate, which is a private property of the plot owners in that lay out. Further, it is submitted that there is excessive disturbance caused by continuous stream of customers to the TASMAC outlet. There are number of people visiting the shop using motor bikes, auto-rikshaws, cars and lorries directly driving through their private road causing serious damage to the residents and

property. The drunkards are discarding empty liquor bottles on the roads, causing embarrassment to the women and children of the area and all the residents are put to harassment. With these facts, the petitioner association has submitted representation to the respondents and since no action has been initiated, they submitted reminders dated 07.05.2018, which was sent by speed post on the same day to the authorities to initiate action and close the shop immediately. However, the respondent having not initiated any action, the petitioner is before this court.

4. From the photographs filed in the typed set of papers, one get fair idea as to where the shop is located. Though there are not many houses in the vicinity, yet, prima facie it appears to be a residential lay out. The shop is covered with tin sheet and it is not very clear whether the shop has a private access road or public road. The photograph in page No.25 shows a gate which obviously cannot be erected in a public road and therefore, the petitioner may be substantially correct in stating that it is a private road. However, these facts are to be considered by the administrative authorities, since representation has been made to them.

5. Accordingly, there will be a direction to the 1st respondent to consider the petitioner's representation dated 07.05.2018, directing one of his officer to conduct surprise inspection of the area and if it is found that the access to the shop is through a private road, then immediate action should be initiated to prevent the usage of the private road. The inspecting official shall also assess the level of nuisance caused in the area and then submit a report to the District Collector and on such report being received, the District Collector, shall pass appropriate orders bearing in mind the welfare of the local people. The above direction shall be complied with within a period of three weeks, from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY
Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

Rj

To

1.The District Collector
Kanchipuram District
Kanchipuram

2.The Managing Director
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5.The District Manager
TASMAC Ltd.
Plot No.14-18,
SIDCO Industrial Estate
Chevelimedu Village
Kanchipuram.

+1cc to Mr.P.Arumugarajan, Advocate SR.No.37311
+1cc to Government Pleader SR.No.37877

W.P.No.14460 of 2018 &
W.M.P. No.17073 of 2018

GN(21/06/2018)

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