

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Writ Petition No.29731 of 2018
and W.M.P.No.34690 of 2018

Sivasubramani ... Petitioner

-Vs-

1.The District Collector
Office of the Collectorate
Kanchipuram - 641 018.

2.The Managing Director
TASMAC Limited, 4th Floor
CMDA Tower-II, Egmore
Chennai - 600 008.

3.The District Manager (North)
Tamil Nadu State Marketing Corporation Ltd
(TASMAC), Orikai, Kanchipuram,
Kanchipuram District.

4.S.Malathi ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the first to third respondents herein from opening TASMAC liquor shop in the property of the fourth respondent situated at No.4/2A, 1A, Azhagesan Nagar, Kolappakkam Village, Nedungundram, Panchayat, Chengalpattu Taluk, Kanchipuram District by considering the petitioner's representation dated 18.09.2018.

For Petitioner : Mr.I.Abdul Basith
For Respondents : Mr.V.Jayaprakash Narayan
Government Pleader - for R1
Mr.P.Arumugarajan
Standing Counsel - for R2 and R3

O R D E R

This writ petition styled as a Public Interest Litigation, is filed by a resident of Nedungundram village, Chengalpattu District, alleging that the respondents 2 and 3 are intended to open a new liquor shop on the property belonging to the fourth respondent located at No.4/2A, 1A, Azhagesan Nagar, Kolappakkam Village, Nedungundram, Panchayat, Chengalpattu Taluk, Kanchipuram District and the proposed liquor shop comes within 100 metres from Sri Ramanujar Engineering College and Sri Balaji Polytechnic College. Further, a christian religious institution (St.Michael's Church) and an elementary school are nearby the proposed shop, and the same is in violation of the Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003, more particularly, Rule No.8.

2. Learned counsel for the petitioner would submit that in the light of the fact that the proposed liquor shop is going to be located within the prohibited distance, appropriate orders may be passed restraining the second and third respondents from doing so.

3. Mr.Jayaprakash Narayan, learned Government Pleader accepts notice on behalf of the first respondents and Mr.Arumugarajan, learned Standing Counsel accepts notice for the second and third respondents. Learned Standing Counsel, on instructions, would submit that the proposal to locate the TASMAL shop on the land belonging to the fourth respondent has been shelved permanently and as such the apprehension expressed by the petitioner is fully unfounded.

4. The said submission made by the learned counsel for the second and third respondents, on instructions, is placed on record. In the light of the said submission, the apprehension expressed by the petitioner no longer subsists and therefore, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

kst

To

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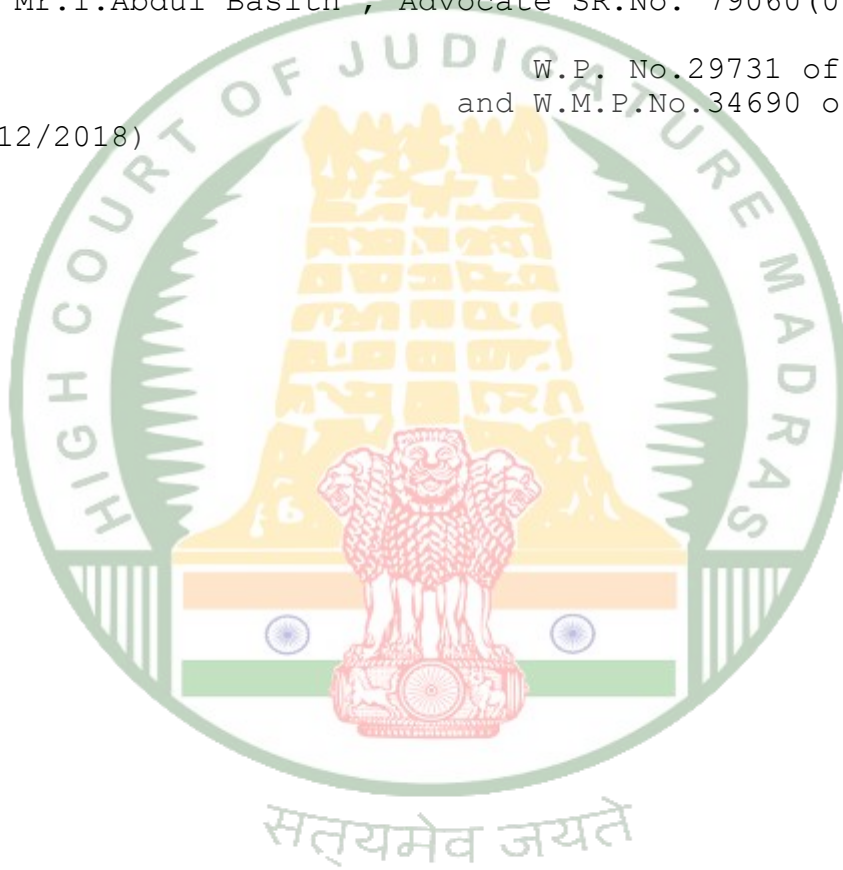
+1cc to Mr.P.Arumugarajan , Advocate SR.No. 78589

+1 CC TO GOVERNMENT PLEADER SR.NO. 79123

+1cc to Mr.I.Abdul Basith , Advocate SR.No. 79060 (07/01/19)

W.P. No.29731 of 2018
and W.M.P.No.34690 of 2018

ASK(20/12/2018)



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