



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.10709 of 2018

and

W.M.P. (MD) No.9806 of 2018

T.Rassalraj

... Petitioner

-vs-

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Assistant Commissioner,
Prohibition & Enforcement,
Office of the District Collector,
Nagercoil,
Kanyakumari.

3.The District Manager,
TASMAC Ltd.,
Senbagaraman Pudur,
Aralvaimozhi Post,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the Respondents from opening a TASMAC Retail Shop with bar in the shopping complex bearing Door Nos.4-64, B/4, B/5 & B/6, Kannumamoodu Junction comprised in R.S.No.58/17 A, Palugal Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.A.K.Baskara Pandian
1 & 2 Special Government Pleader

For 3rd Respondent : Mr.Jameel Arasu

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

This Writ Petition has been filed seeking a Writ of Mandamus, forbearing the Respondents from opening a TASMAC Retail Shop with bar in the shopping complex bearing Door Nos.4-64, B/4, B/5 & B/6, Kannumamoodu Junction comprised in R.S.No.58/17 A, Palugal Village, Vilavancode Taluk, Kanyakumari District.



2.The grievance of the petitioner is that the proposed TASMACH Shop is situated within the prohibited distance. In the counter affidavit of the third respondent it is stated that the said respondent himself inspected the shop and took measurement and on measurement he found that the distance between the school and the school gate is 220 metres and the distance between the shop and the school compound wall is 160 metres. Thus the proposed shop situates beyond the prohibited distance.

3.In view of the same, we find no merits in the writ petition and the same is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Assistant Commissioner,
Prohibition & Enforcement,
Office of the District Collector,
Nagercoil,
Kanyakumari.

+1cc to Mr.C.K.M.Appaji, Advocate Sr.No.79574

+1cc to Mr.B.Jameel Arasu, Advocate Sr.No.79201

SJ

VB/RSK/SAR4/31.08.2018/2P/5C

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and**

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