



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
and
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

W.P. (MD) No.12474 of 2018

Natarajan ... Petitioner
Vs.

1.The District Collector,
Trichy District Collectorate,
Trichy District.

2.TASMAC Limited,
Rep.through its District Manager,
Thuvakkudi,
Trichy District.

3.K.Gopala Rathinam
4.S.Chandran

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 herein either to shift or close the TASMAC shop No.10238 situated in the 3rd respondent property ie., No.446-A, Big Bazaar Street, Trichy within the time limit fixed by this Court.

For Petitioner : Mr.S.Manikandan
For Respondents : Mr.M.Pandiarajan, AGP for R1
Mr.B.Jameel Arasu for R2

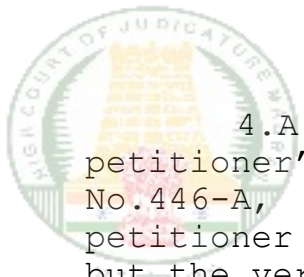
ORDER

(Order of the Court was made by C.T.SELVAM,J.)

By consent, Writ Petition itself, is taken up for final disposal.

2.Mr.M.Pandiarajan, Learned Additional Government Pleader takes notice for the first respondent and Mr.B.Jameel Arasu, learned standing counsel takes notice for R2.

3.This Writ Petitioner has been moved for issuance of a Writ of Mandamus, directing the respondents 1 to 4 either to shift or close the TASMAC shop No.10238 situated in the 3rd respondent property at No.446-A, Big Bazaar Street, Trichy.



4.A reading of the affidavit of the petitioner informs that petitioner's complaint is in respect of the TASMAC shop at Door No.446-A, Big Bazaar Street, Trichy. The contention of the petitioner is that such shop is located in a prime residential area but the very name of the street indicates otherwise.

5.G.O.Ms.No.32 Home Prohibition & Excise (VI) Department, dated 21.05.2018, which permitted the setting up of TASMAC shop in commercial areas, has been tested before the Hon'ble Supreme Court in its order dated 15.12.2016 in Civil Appeal Nos.12164 to 12166 of 2016.

6.The Hon'ble Supreme Court upheld the said G.O. inter alia provides that TASMAC shops may be permitted in

"d) Areas within a Municipal area (Corporations, Municipalities and Town Panchayats) or an area mentioned in Para 15 above, which are classified as "Commercial" in an approved Development Plan can be considered for grant of licences, since these are commercial centres and market places essentially catering to the needs of the residents of the nearby areas of the concerned local self governing body."

7.In the light of the above, the contention of the petitioner does not survive consideration and accordingly, this petition shall stand dismissed. No Costs.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The District Collector,
Trichy District Collectorate,
Trichy District.

2.The District Manager,
TASMAC Limited,
Thuvakkudi,
Trichy District.

+1cc to Special Government Pleader, SR.No. 73283
+1cc to M/S.S.Manikandan, Advocate SR.No. 73723
+1cc to M/S.B.Jameel Arasu, Advocate SR.No. 73330

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