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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.19442 of 2017
and
W.M.P.(MD)No.15739 of 2017

G.Ganesan : Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The District Manager,
TASMAC,
Pudukottai,
Pudukottai District.

3.The Superintendent of Police,
Pudukottai District. : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the second respondent from opening the TASMAC Shop No.6699 at Karakathikottai village, with in the revenue village of Keelamanjakudi or any other place in and around Karakathikottai village, Pudukottai District.

For Petitioner : Mr.M.Karthikeyavekatachalapathy

For Respondents 1 & 3: Mr.A.Muthukaruppan
Additional Government Pleader

For Respondent No.2 : Mr.S.Satheesh Kumar
for Mr.H.Arumugam

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

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

2.The writ petition is filed as a "Public Interest Litigation" and the petitioner would state that the location of the liquor shop by the Tamil Nadu State Marketing Corporation Limited (TASMAC) in Karakathikottai village, Manamelkudi Taluk, Pudukottai District, is

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objectionable for the reason that it is located hardly 100 meters from the residence and it is also causing nuisance to the devotees of Arulmigu Nachiaramman temple and that the drunkards are also creating law and order problem and hence prays for appropriate direction not to locate the shop at Karakathikottai village.

3.The writ petition was entertained and this Court vide order dated 19.01.2018, has directed the second respondent to file an affidavit as to the maintenance of law and order as well as sanitary and hygienic condition in and around the liquor shop in question.

4.The second respondent has filed the counter affidavit stating among other things that the TASMAC liquor shop is going to be opened strictly in compliance with the Provisions of the Tamil Nadu Liquor Retail Vending (In shops and bars) Rules, 2003 and also as per the clarificatory order issued by the Honourable Supreme Court with regard to the location of the liquor shops and bars. He would further add that on account of the agitation and threaten, the shop is not opened for the present.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.It is the specific stand of the learned Counsel appearing for TASMAC that the shop is not located in any prohibited place and on instructions also made a submission that in the event of the shop being opened, law and order as well as public order would be maintained and also the places in and around the shop and bar in question would be maintained in a hygienic and sanitary condition and the said submission on instructions is placed on record.

7.In view of the said submission, this writ petition is disposed of. However, if the petitioner or other residents of Karakathikottai village note down any infirmity with regard to the law and order and public order and also to the sanitary and hygienic condition, they are always at liberty to work out their remedy, in accordance with law before the competent forums. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To
1.The District Collector, Pudukottai District.
2.The District Manager, TASMAC, Pudukottai, Pudukottai District.
3.The Superintendent of Police, Pudukottai District.
+One cc to Mr.H.Arumugam, Advocate, SR.No.47765
+One cc to The Special Government Pleader, SR.No.47870
MR

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