



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **C.T. SELVAM**
AND
THE HONOURABLE MR.JUSTICE **A.M. BASHEER AHAMED**

W.P. [MD] No.19912 of 2017

C.Muthaiah : Petitioner

Vs.

1. The District Collector,
Theni District.
2. The District Manager,
TASMAC,
Theni District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent herein to remove and shift the TASMAC shop bearing shop No.8626 situated in Kamatchipuram, S.Alagupuri, Uthamapalayam Taluk, Theni District by considering the representation of the petitioner dated 09.10.2017.

For Petitioner : Mr.K.Samidurai
For 1st Respondent : Mr.A.Muthukaruppan
Additional Government Pleader
For 2nd Respondent : Mr.B.Jameel Arasu

O R D E R

[Order of the Court was made by **C.T. SELVAM, J.**]

Petitioner, informing himself to be a social activist and stating that the running of TASMAC Shop bearing No.8626, situated in Kamatchipuram, S.Alagupuri, Uthamapalayam Taluk, Theni District was a source of great nuisance and inconvenience, sought a direction to remove the same. Petitioner also contended that the building which houses the shop was unapproved and the underlying land was agricultural land.

2.In compliance with the order of this Court dated 16.02.2018, the second respondent District Manager, TASMAC, Theni District, had filed a report stating that the allegations of petitioner were untrue. There was no bar attached to the liquor shop as would result in nuisance by assembling of customers thereat and only



liquor was sold therein and further routine and regular inspections have been conducted in keeping with the directions of the Managing Director of TASMAL towards maintenance of hygienic conditions in an around the shop, to oversee which, a committee also stood constituted.

WEB COPY

3.Mr.A.Muthukaruppan, learned Additional Government Pleader produced the report of the Special Officer, Kamatchipuram Village, which informs that the building constructed for conduct of TASMAL Shop business has been duly approved on 22.11.2017 though the shop has been running even from April, 2017. Learned Additional Government Pleader also produced a copy of Patta No.271, Seepalakottai Village, Uthamapalayam Taluk, a perusal whereof reveals that the shop has been constructed on private punja land in S.No.451/1 of the said village.

4.Giving the above position, this Court finds no merits in the Writ Petition. Accordingly, the same stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Madurai District.

+ 1 cc TO Mr.B.Jameel Arasu , Advocate in SR No. 59911
+ 1 cc TO Mr.K.Samidurai , Advocate in SR No. 59554
+ 1 cc TO The Special Government Pleader in SR No. 59679

sj

AE/KKR/SAR2/26.04.2018/2P/5C

**Order made in
W.P. [MD] .No.19912 of 2017
Dated:03.04.2018**