

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12276 of 2012

M/s.Parsn Commercial Complex

Welfare Society

(Reg.No.173/1983)

Rep. by its Secretary S.Lakshmanan

S/o.Late.Sethuraman

A-24 (Basement)

No.1 Kodambakkam High Road

(formerly 600 Annasalai)

Chennai - 600 006.

....Petitioner

Vs

1. The Managing Director,
TASMAC, CMDA, Tower-II,
IV Floor, Gandhi Ervin Bridge Road,
Egmore, Chennai - 600 008.
2. Mr.Bhagwan. K.Gwalani,
Residing at No.35 General Patters Road,
Chennai - 600 002.
3. N.Sivakumar,
Basement, No.1, Kadambakkam High Road,
Chennai - 600 006.
4. The Collector,
Chennai District,
Singaravelu Buildings,
Rajaji Road, Chennai 600 001.
5. The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.
6. The Commissioner of Police Chennai Greater
Metropolitan, Law and Order,
Commander in Chief Road,
Egmore, Chennai - 600 008.

7.The Director,
Tamil Nadu Fire and Rescue Road,
No.12, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, or order or direction, directing the first respondent to close the liquor shop cum bar situated in the basement at Parsn Commercial Complex situated at No.1 Kodambakkam High Road, Chennai-600 006.

For Petitioner : Mr.M.A.Gouthaman

For Respondent : Mr.P.Arumugarajan

SC for R1

M/s.Leah Mirualini Sampath for
R2 & R3.

Mr.A.Zakir Hussain G.A for R4,6&7

Mr.Arunmozhi for R5.

O R D E R

The prayer sought for in the present writ petition is for a direction to directing the respondents to close liquor shop cum bar situated in the basement at Parsn Commercial Complex situated at No.1 Kodambakkam High Road, Chennai-600 006, on the ground that the said liquor shop cum bar is established within a distance that is prohibited under the provisions of the Tamil Nadu Liquor Vendor Act, from Schools and religious institutions.

2. According to the learned counsel for the petitioner, there was a bar attached to the liquor shop, when the writ petition came to be filed. Admittedly, the bar has now been closed and what exists in the subject premises is only an elite liquor vending shop without the facility of a bar.

3. The respondents have filed a counter stating that, the shop is situated about 455 metres away from the educational institutions and there is no place of worship or religious institutions within the prohibited distance as contemplated under the Tamil Nadu Liquor Vending Act. As such it cannot be said that the license to run the liquor shop is in violation of the Act.

4. Nevertheless, when the petitioner complaints of illegal activities and disturbances to the adjoining shops in the commercial complex, this Court would take cognizance of such a fact. In this context, a status report was called for from the

jurisdictional Police and accordingly, by a report dated 25.06.2019, the Inspector of Police, E3 Teynampet Police Station, Law and Order, has filed a report before this Court stating that, an elite shop alone is functioning in the subject premises and that there is no bar attached to it.

5. It is also stated in the said report, that in connection with the said liquor shop, there has been no complaints with regard to law and order situation before them.

6. In view of the fact that, this report has filed after seven years from the date of the writ petition came to be filed and taking note of the fact that, there has not been any complaints with regard to the running of the shop, it may not be appropriate to consider the prayer sought for in the present writ petition, for directing the respondents to take action with regard to the closure of the liquor shop.

7. Nevertheless, if the petitioner association is of the view that, there is disturbance with regard to the consumption of liquor in the liquor shop or any bar attached to the same, it is always open to them to approach the concerned jurisdictional Police, who shall immediately act on such complaints made by the association.

8. With the above observations, the writ petition stands closed. No Costs.
Pkn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
TASMAC, CMDA, Tower-II,
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2. The Collector,
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Egmore, Chennai - 600 008.

5. The Director,
Tamil Nadu Fire and Rescue Road,
No.12, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.

+1cc to Mr.P.Arumugarajan, Advocate, SR.No.53559/19

+1cc to Mr.R.Arunmozhi, Advocate, SR.No.52752/19

+1cc to the Govt.Pleader, Advocate, SR.No.53424/19

W.P.No.12276 of 2012

Kak(25/07/2019)



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