

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.13598 of 2019
and WMP.Nos.13680 & 13685 of 2019

S.Jaiganesh

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai 600 008.
2. The District Collector,
Coimbatore District, Coimbatore.
3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited
305A, Vilankurichi Road,
Peelamedu Railway Station back side,
Chintamani Cooperative Society Depot,
Peelamedu, Coimbatore - 641 004.
4. The District Manager,
Coimbatore District,
Tamil Nadu State Marketing Corporation Limited,
4/5A, Sangampalayam Coimbatore Road,
Mahalingapuram Post,
Achipatti, Pollachi,
Tamil Nadu 642 002.
5. The Sub Collector,
Office of the Sub Collector,
Pollachi, Coimbatore District.
6. The Special Officer/Executive Officer,
Athupollachi Panchayat,
Anamalai Block,
Pollachi Taluk,
Coimbatore District.

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from opening any TASMAL Retail Liquor Vending Shop & Bar without following basic principles of natural justice by giving wide publicity in a meaningful manner about any proposal to open any TASMAL Retail Liquor Vending Shop & Bar at any place and also informing the public and stakeholders providing reasonable time to submit their objections and grievances and also to hold a public consultation at the pre-decisional stage, so as to ensure that relevant Legal Provisions, Rules & Regulations such as that of "The Tamil Nadu Change of Land Use (From Agricultural to Non-Agricultural Purposes in Non-Planning Areas) Rules, 2017" & Rule 25 of "The Tamil Nadu Panchayat Building Rules 1997" & Appendix - I of "The Tamil Nadu Fire Service Rules, 1990" and "The Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003" are strictly complied prior to the establishment of the TASMAL Retail Liquor Vending Shop & Bar in any locality and more particularly in the midst of the Agricultural Lands, bearing S.No.53, Athupollachi, Pollachi Taluk, Coimbatore District herein.

For Petitioner :Mr.M.Purushothaman
For Respondents :Mr.E.Manoharan
Additional Government Pleader
for R2 & R5
Mr.Akhil Akbarali
Government Advocate for R6
Mr.K.Sathish Kumar
Standing Counsel for TASMAL
for R1, R3 & R4

सतयमेव जयते
O R D E R

[Order was delivered by S.MANIKUMAR,J]

The petitioner has sought for issuance of a writ of mandamus forbearing the respondents from opening any TASMAL Retail Liquor Vending Shop & Bar without following basic principles of natural justice by giving wide publicity in a meaningful manner about any proposal to open any TASMAL Retail Liquor Vending Shop & Bar at any place and also informing the public and stakeholders providing reasonable time to submit their objections and grievances and also to hold a public consultation at the pre-decisional stage, so as to ensure that relevant Legal Provisions, Rules & Regulations such as that of "The Tamil Nadu

Change of Land Use (From Agricultural to Non-Agricultural Purposes in Non-Planning Areas) Rules, 2017" & Rule 25 of "The Tamil Nadu Panchayat Building Rules 1997" & Appendix - I of "The Tamil Nadu Fire Service Rules, 1990" and "The Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003" are strictly complied prior to the establishment of the TASMAL Retail Liquor Vending Shop & Bar in any locality and more particularly in the midst of the Agricultural Lands, bearing S.No.53, Athupollachi, Pollachi Taluk, Coimbatore District.

2. On 30.04.2019, we passed the following order:-

"On instructions, Mr.Akhil Akbar Ali, learned Government Advocate for the sixth respondent submitted that proposal to locate a shop at No.53, Athupollachi, Pollachi Taluk, Coimbatore District, is pending.

2. Mr.M.Purushothaman, learned counsel for the petitioner submitted that land on which the proposed shop is sought to be located is an agricultural land.

3. Earlier, in W.P.No.4136 of 2019, we directed the respondents therein, to ascertain the classification of lands, in the villagers where IMFL shops are located and explore the possibility of relocation. In the case on hand, proposals are yet to be approved, either way.

4. Post on 6/6/2019. Let the proposals be kept in abeyance".

3. Today Mr.K.Sathish Kumar, learned Standing Counsel appearing for the respondents 1, 3 and 4 submitted that the proposal for locating TASMAL shop at No.53, Athupollachi, Pollachi Taluk, Coimbatore District is dropped.

4. The submission of the learned Standing Counsel is placed on record. In view of the above submission there is no need to issue any mandamus. Accordingly the writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To

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Athupollachi Panchayat,
Anamalai Block,
Pollachi Taluk,
Coimbatore District.

+1 cc to Mr.M.Purushothaman, Advocate, S.R.No.55037

+1 cc to Mr.K.Sathish Kumar, Advocate, S.R.No.55398

+1 cc to the Government Pleader, S.R.No.54899

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KS(CO)
SSM(29/07/2019).