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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.18164 of 2019

&

W.M.P.No.17529 of 2019

K.Saravanan

... Petitioner

Vs.

1.The District Collector  
Office of the District Collector  
Singaravelar Maligai  
Chennai - 600 001

2. The Managing Director  
TASMAC Limited  
No.8, 4<sup>th</sup> Floor, CMDA Towers  
Egmore  
Chennai - 600 008

3.The District Manager  
TASMAC  
Thiruvallur East District  
No.1, Bengaluru High Road  
Sembarambakkam  
Chennai - 600 103

... Respondents

Writ petition filed under Article 226 of Constitution of India for issuance of writ of mandamus forbearing the respondents from opening a TASMAC retail liquor shop along with a bar at Plot No.A-16, Church Road, Mogappair Industrial Estate, Mogappair East, Chennai - 600 037.

For Petitioner : Ms.R.Shase

For Respondents : Mr.R.P.Pratap Singh  
Government Advocate for R1

Mr.M.Swarna Geetham  
for Mr.N.Damodaran  
Standing Counsel (TASMAC) for R2 and R3



## O R D E R

This writ petition pertains to opening of a retail liquor outlet by 'Tamil Nadu State Marketing Corporation' ('TASMAC' for brevity).

2. Writ petitioner, stating that he is a resident of the locality where the TASMAC shop is proposed to be opened, has filed the instant writ petition with a prayer to restrain the respondents from opening the liquor shop at Plot No.A-16, Church Road, Mogappair Industrial Estate, Mogappair East, Chennai - 600 037 ('said location' for brevity).

3. Ms.R.Shase, learned counsel for writ petitioner submits that said location is in a congested area. Learned counsel also submits that there are already many liquor shop run by TASMAC in the said area. In the synopsis filed by the writ petitioner, which forms part of the case file, learned counsel submits that there are already 5 TASMAC liquor shops with attached bars in the area.

4. Mr.R.P.Pratap Singh, learned Government Advocate accepts notice on behalf of first respondent.

5. Learned State counsel submits that location of the liquor vending shops i.e., retail outlets of TASMAC are governed by 'The Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003' ('Liquor Vending Rules' for brevity).

6.Though in the hearing, learned counsel submits that the proposed liquor vending shop is objectionable within the meaning of Rule 8 of Liquor Vending Rules, no data or details as to how and why it is objectionable has been given. In other words, there is no plea with specificity in this regard.

7.Suffice to say that said location has to be in accordance with the aforesaid Liquor Vending Rules and suffice to say that it should not be in violation of said liquor vending rules.

8.In this regard, a judgment being Hon'ble Division Bench judgment dated 13.06.2017 in W.P.No.14466 of 2017 is of relevance. Paragraph 6 of the same reads as follows:

'6. Learned counsel appearing on behalf of the petitioner has cited a Division Bench judgment of this Court in V.Ravichandran v. The District Collector, Tirunelveli and another (Order dated 16.11.2016 in W.P. (MD) No.20063 of 2015). This judgment was rendered



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having regard to the particular facts of the case. The judgment is not an authority for the proposition that a liquor shop can in no circumstances be set up if there is an objection from the residents or a resolution of Panchayat Grama Sabha to that effect.'

9. It is also to be noted that in aforesaid judgment of Hon'ble Division Bench it was held that in the absence of any allegation of contravention of any statutory rule or regulation, interference of writ Court is not warranted. This is articulated in Paragraph 2 of Hon'ble Division Bench judgment, which reads as follows:

'2. On the face of the averments in the writ petition, the petitioner has not been able to show infringements of any provision of law in running the liquor shop in the village of the petitioner. In the absence of any allegation of contravention of any statutory rule or regulation, interference of writ court is not warranted.'

(Underlining made by Court to supply emphasis and highlight)

10. In the light of the narrative thus far, this Court deems it appropriate to dispose of this writ petition with the observation that as long as the location is in accordance with the aforesaid Liquor Vending Rules and not in breach of limitations therein, it does not warrant interference.

This writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

gpa

To

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Office of the District Collector  
Singaravelar Maligai  
Chennai - 600 001



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+1cc to Mr.M.Guruprasad, Advocate SR.No.55086

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GP (CO)  
GMY (20/08/2019)