

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2019

CORAM

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**
AND

THE HONOURABLE MR. JUSTICE **M.SUNDAR**

Contempt Petition. No.2089 of 2017

The Federation of Maduravayal Residents
Welfare Association (Regn.549/1998)
Having office at No.17, P.T.C Officer's Colony
Maduravoyal, Chennai - 600 102
Rep by its General Secretary
Mr.A.C.Thirumaladimai ...Petitioner

Vs.

E.Sundaravalli, I.A.S.,
District Collector, Collector Office,
Thiruvallur 602 001 ...Respondent

Contempt petition filed under Section 11 of the
Contempt of Courts Act, 1971 to punish the respondent for
contempt of court for disobeying the order of this Court
passed in W.P.No.14974 of 2017 dated 19.06.2017.

For Petitioner : Mr.S.Chandrasekharan

Mr.A.N.Thambidurai
For Respondent : Special Government
Pleader

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Alleging that the order dated 19.06.2017 passed by
this Court in W.P.No. 14974 of 2017 has not been complied
with, the present contempt petition has been filed.

2. In the compliance affidavit filed by the respondent, the following statements have been made:-

5. I submit that on 24.05.2018, the above site was inspected and verified by me along with the team of Highly committed officers comprising the Assistant Commissioner of Excise, Assistant Director (Survey) and Tahsildar, Maduravayal. The above team considered all the relevant facts and carefully verified the guidelines stipulated in Rule 8(1) of Tamil Nadu Liquor Retail Vending (in shops and bars) Rule, 2003. On perusal of the sketch showing the combined map authenticates the facts that the distance between the TASMAC Shop No.9185 and the above mentioned Arulmigu Siva Sudalaimada Swamy and other Temples is more than 50 mtrs. The measurement of the distance (roadside) from the TASMAC Shop No.9185 to the said Temple was physically verified and it measured as 199.0 mtrs. From the Bar to the said Temple Road side is 102 mtrs. From the Bar to the said Temple by cross side, it has been measured as 66.8 mtrs. According to the Rule 8(1) of Tamil Nadu Liquor Retail Vending (in shops and bars)Rule, 2003, the shop is not located within 50 meters from an educational institution and place of worship in respect of Urban Areas (Corporation and Municipalities)

and within 100 meters in respect of other places like Village Panchayats.

6.I submit that in view of the above, it is clear that the above location is not in violation to any of the norms laid down by the Hon'ble Supreme Court of India or any rules stipulated in Rule 8(1) of Tamil Nadu Liquor Retail Vending (in shops and bars) Rules, 2003 framed under Tamil Nadu Prohibition Act, 1937.

7. I submit that the actual measurements taken at the field clearly establishes that the location of TASMAL Shop No.9185 is neither close to Educational Institution nor Place of Worship or Hospital on the hand, the above TASMAL Shop 50 meters away from the site.

3.In view of the same, we are satisfied with the action taken. Hence the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)
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Mv/06/08/2019