



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.8281 of 2019

and

W.M.P. (MD) Nos.6495 and 6496 of 2019

Rangasamy : Petitioner

Vs.

- 1.The Managing Director,
TASMAC, Chennai.
- 2.The District Collector,
Pudukkottai.
- 3.The District Manager,
TASMAC, Pudukkottai.
- 4.The Superintendent of Police,
Pudukkottai.
- 5.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 6.The Inspector of Police,
Namanasamuthiram,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the respondents 1 to 3 to remove the TASMAC shop bearing No.6732 located on the Nachandupatti Pudur Main Road, Pudukkottai District in the light of 3rd respondent proceedings in Na.Ka.No.R.V./5/1572/2010, dated 31.05.2012 and based on my representation dated 18.03.2019 within the time frame.

For Petitioner : Mr.Joseph Thatheus Jerome
for MR.S.Alagusundar

For Respondents : Mr.R.Murugan
2, 4 to 6 Additional Government Pleader

For Respondents 1 & 3 : Mr.H.Arumugam

**ORDER**

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the TASMAC shop bearing No.6732 located on the Nachandupatti Pudur Main Road, Pudukkottai District in the light of 3rd respondent proceedings in Na.Ka.No.R.V./5/1572/2010, dated 31.05.2012 and based on the petitioner's representation dated 18.03.2019 within the time frame.

2.From the facts narrated in the affidavit filed in support of this Writ Petition and the representation submitted by the petitioner to the first respondent, it is seen that several representations have been given to the first respondent for closure of the TASMAC shop bearing No.6732 in Nachandupatti Pudur Main Road, Pudukkottai District. Even in the Peace Committee Meeting held on 25.10.2010 with the participation of the representatives of the political parties, public and revenue officials apart from the District Manager of the TASMAC, a resolution was passed that the TASMAC shop would be shifted to some other place. Thereafter, several representations have been made and agitations were reported prompting the respondents to commit that they will close the shop immediately after finding an alternative place. Despite the fact that the District Manager, TASMAC by his communication dated 31.05.2012 to the villagers that they would shift the TASMAC shop immediately after finding out an alternative place, the TASMAC shop is continuously functioning in the same place even after several protests and agitations are reported. The last representation was made by the petitioner on 18.03.2019. Having regard to the decision taken by the respondents, this Court is of the view that the TASMAC Shop in that place cannot be permitted to continue. Hence, respondents 1 to 3 are directed to remove the TASMAC shop and not to sell any liquor in the said shop from today.

3.One of the apprehensions of the learned Counsel for the TASMAC is that closure of the TASMAC shop may lead to other illegalities in the region. The Superintendent of Police, Pudukkottai District/fourth respondent herein is directed to ensure that no illegal selling of liquor is permitted on account of the closure of the TASMAC in the nearby vicinity till such time the TASMAC shop No.6732 is shifted to some other place which is not objectionable.

4.With the above observation, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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To

- 1.The Managing Director,
TASMAC, Chennai.
- 2.The District Collector,
Pudukkottai.
- 3.The District Manager,
TASMAC, Pudukkottai.
- 4.The Superintendent of Police,
Pudukkottai.
- 5.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 6.The Inspector of Police,
Namanasamuthiram,
Pudukkottai District.

+1 CC to M/s.S.ALAGUSUNDAR, Advocate in SR-59342
+1 CC to M/s.SPECIAL GOVERNMENT PLEADER IN SR-59567
+1 CC to M/s.H.ARUMUGAM, Advocate IN SR-59634

W.P. (MD) No.8281 of 2019
05.04.2019

SRM

PK/25.04.2019 : 3P/10C