



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.5446 of 2019

K.Kadher Maideen

... Petitioner

-vs-

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Madurai District,
Madurai.
- 4.The District Manager,
TASMAC, Madurai.
- 5.The Inspector of Police,
Silaiman Police Station,
Madurai District.
(R6 deleted vide Court order
dated 08.03.2019)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 4th respondents to remove TASMAC shop No.5123 situated at Muthu Nagar, Sakimangalam, Madurai East Taluk, Madurai District or to relocate the same to some other place.

For Petitioner	:	Mr.A.Balaji
For Respondents 1 to 3 & 5	:	Mr.A.K.Baskarapandian Special Government Pleader
For 4 th Respondent	:	Mr.H.Arumugam Standing Counsel



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.A.Balaji, learned counsel appearing for the petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 3 & 5 and Mr.H.Arumugam, learned Standing Counsel appearing for the 4th respondent.

2.By way of this Writ Petition, the petitioner seeks for issuance of a Writ of Mandamus, directing the respondents 1 and 4 to remove TASMAC shop No.5123 situated at Muthu Nagar, Sakimangalam, Madurai East Taluk, Madurai District or to relocate the same to some other place on the ground it violates distant rules.

3.The Court by order dated 20.08.2019 appointed Ms.E.S.Vijayalakshmi as Advocate Commissioner to conduct a surprise inspection and directed her to ascertain four issues. The learned Advocate Commissioner has filed a report, from which, it is seen that there is no violation of distance rules and there is no bar and the shop is maintained in a hygienic condition.

4.The learned counsel appearing for the petitioner would submit that there is a de-addiction center very nearer to the shop. However, it appears to be situated 600 meters away from the TASMAC shop. In any event that is not the one of the places, which has been mentioned in Rule 8 of Tamil Nadu Liquor Retain Vending (Shops and Bars) Rules, 2003, which would be bar for locating TASMAC retail vending shop.

5.The learned Standing Counsel appearing for the TASMAC would submit that the petitioner is not a bonafide Public Interest Litigant, but a name lender, set up by persons, who are illegally selling liquor in the area. Pursuant to the direction of the Division Bench, a report has been filed stating that based on the complaints given by the TASMAC 9 F.I.Rs. have been registered from 2007 onwards. If that is so, the respondent police shall take appropriate action and file final report in all those cases.

6.In view of the above, the petitioner has not made out a case for closing the TASMAC Shop. Hence, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Madurai District,
Madurai.
- 4.The Inspector of Police,
Silaiman Police Station,
Madurai District.

+1CC TO MR.A.BALAJI, Advocate Sr. No.89281
+1CC TO MR.H.ARUMUGAM, Advocate Sr. No.89153
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.89406

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SVN(CO)
TR(16.10.2019) 3P 8C