



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM:

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

W.P. (MD) No.16180 of 2019

and

W.M.P. (MD) No.12878 of 2019

B.Saravanan

... Petitioner

-vs-

1. The District Collector
Madurai District,
Madurai.
2. The District Manager
TASMAC, Madurai District
Madurai
3. The Superintendent of Police
Madurai District,
Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent Nos.1 and 2 not to shift and establish TASMAC shops and bar nearby hospital (De-Addiction Center) and GMS MAVMM Polytechnic College by considering the petitioner's representation dated 13.07.2019, within the period stipulated by this Court.

For Petitioner : Mr.R.Gandhi

For Respondents : Mr.A.K.Baskarapandian
Special Government Pleader for R1 & R3

Mr.H.Arumugam for R2



O R D E R

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

By way of this writ petition designed as public interest litigation, the petitioner has brought a sorry state of affairs before this Court with regard to the location of a TASMAC Shop.

2. The defence raised by the respondent TASMAC is that there is no violation of distance rules in shifting TASMAC Shop No.5436 to the proposed location. Admittedly, the first respondent has not granted any permission for shifting of TASMAC Shop No.5436. The question is how the distance is to be measured in locating TASMAC Shops.

3. The learned counsel for the petitioner submits that the location, where TASMAC Shop No.5436 is proposed to be shifted, is within 200 meters from the petitioner's Institution and there are temples in the locality. During festival season, more number of devotees thronged in the area and in order to attract them, the shop is proposed to be shifted. However, this aspect cannot be adjudicated by us at this juncture. Nevertheless, taking into consideration the proposed location and its surrounding facilities, which are already in existence, more particularly, a De-addiction Center, we are of the firm view that the first respondent should not grant permission to the second respondent to shift or re-locate TASMAC Shop No.5436 in the proposed location. Earning of revenue alone is not the sole goal. Since the State Government has been granted exclusive privileges to find any locality, the public interest cannot be sacrificed. Genuine objections of the public should not be ignored and the distance rule should not be applied mathematically. Above all, the Authorities are expected to act in public interest.

4. For the above, the writ petition is allowed and the respondents 1 and 2 are directed not to shift TASMAC Shop No.5436 in the proposed location. Further, the TASMAC Shop No.5436 located in the earlier place is directed to be closed down forthwith and is ordered to be opened in the area, where there is no objection from the public. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To:

1. The District Collector,
Madurai District,
Madurai.

2. The Superintendent of Police,
Madurai District,
Madurai.

+1CC to SPL.G.P. SR.No. 88388.

+1CC to Mr.R.Gandhi, Advocate, SR.No. 88108.

+1CC to Mr.H.Arumugam, Advocate, SR.No. 88198.

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CS(01.10.2019) 3P 6C