



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.19745 of 2019

and

W.M.P. (MD)No.16235 of 2019

K.Gangatharan

.. Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The District Manager,
TASMAC, Karur.

3.The Superintendent of oPolice,
Karur District, Karur.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first and second respondents to close the TASMAC Liquor Vending Shop No.4907, located near Thinnappa Theatre, Karur as per the representation dated 16.08.2019 consequently direct the second respondent to swift the TASMAC Liquor vending shop No.4907 to other place.

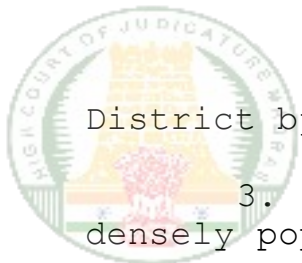
For Petitioner	: Mr.S.Gokul Raj
For R1 and R3	: Mr.A.K.Baskara Pandian Special Government Pleader
For R2	: Mr.H.Arumugam Standing Counsel

ORDER

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

Heard Mr.S.Gokul Raj, learned counsel for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the first and third respondents, Mr.H.Arumugam, learned Standing counsel for the second respondent. By consent of both parties, this writ petition is taken up for final disposal.

2. By way of this Public Interest Litigation, the petitioner seeks for relocation of the TASMAC shop bearing Registration No.4907 located near Thinnappa Theatre, Karur



District by considering his representation, dated 16.08.2019.

3. The petitioner's case is that the shop is located in a densely populated area in the heart of the Karur Town, where there are several hospitals and Educational Institutions and the shop is causing nuisance to the general public. There are often scuffle between the people, who come to consume liquor. Very recently, there was a brutal attack and the man is fighting for his life in the hospital.

4. The learned counsel appearing for the second respondent would submit that the petitioner has a hidden agenda and there is a background to the present writ petition and there is no *bona fide* for the public interest litigation.

5. We do not wish to go into such controversy and if it is found that the petitioner has collateral purpose for filing this writ petition, it goes without saying that the third respondent can take action against him. However, we are concerned about public safety. Considering the fact that the shop is located in a densely populated area in the heart of the city, we direct the District Collector to depute one of his officer to conduct a surprise inspection of the area and note down the physical features and also ascertain the views of the public as it is running near the hospital and school and submit a comprehensive report to the District Collector. Based on such report, the District Collector shall take appropriate action on merits and in accordance with law. The above exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

6. In the light of the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

ta

To

1.The District Collector,
Karur District, Karur.



2.The Superintendent of oPolice,
Karur District, Karur.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-87113[F] dated 17/09/2019)

+1 CC to M/s.SPL GP (SR-87244[F] dated 17/09/2019)

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-86800[F] dated 16/09/2019)

ORDER MADE IN
W.P(MD)No.19745 of 2019
16.09.2019

_KM/(10.10.2019) 3P 6C