



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.14113 of 2018

and W.M.P. (MD) Nos.12786 of 2018 and 14029 of 2019

J.Devanesam

... Petitioner

-VS-

1.The Managing Director,
The Tamil Nadu State Marketing Corporation Ltd.,
TASMAC,
4th Floor, CMDA Tower No.2,
Egmore,
Chennai - 600 008.

2.The Senior Regional Manager,
The Tamil Nadu State Marketing Corporation Ltd.,
TASMAC,
Plot No.100, Anna Nagar,
Madurai - 625 020.

3.The District Collector,
Sivagangai District,
Sivagangai.

4.The District Collector,
Madurai District,
Madurai.

5.The District Manager,
The Tamil Nadu State Marketing Corporation Ltd.,
TASMAC,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from opening the TASMAC shop No.8672 and Bar in the land in Survey No.32/5 in Samanatham Village, Madurai South Taluk, Madurai District by considering the petitioner's representation dated 22.06.2018.



For Petitioner : Mr.M.S.Jeyakarthik
For Respondents 1, 2 & 5 : Mr.H.Arumugam
For Respondents 3 and 4 : Mr.A.K.Baskarapandian
Special Government Pleader

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O R D E R

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

Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the petitioner, Mr.H.Arumugam, learned Standing Counsel appearing for the respondents 1, 2 and 5 and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 3 and 4.

2.The petitioner has filed this Writ Petition, seeking for issuance of a Writ of Mandamus, forbearing the respondents from opening the TASMACHOP shop No.8672 and Bar in the land in Survey No.32/5 in Samanatham Village, Madurai South Taluk, Madurai District by considering the petitioner's representation dated 22.06.2018.

3.When the Writ Petition was entertained on 20.08.2019, this Court passed an comprehensive interim order appointing an Advocate Commissioner to inspect the area and framed four questions for consideration.

4.The learned Advocate Commissioner in her report dated 16.10.2019, answered the four questions and from there it is known that in establishing the said shop there is no violation of the Rules. Furthermore, the shop is located in an area which has a compound wall and gate. Therefore, on the ground raised, we cannot order closure of the TASMACHOP shop. However, it is needless to state that the 5th respondent District Manager, TASMACHOP, Sivagangai District shall closely monitor the shop, so that there shall not be consumption of liquor illegally in the adjoining road, because admittedly at a distance of 600 meters there is a CBSE School.

5.The Writ Petition stands disposed of with the above observation. In view of the above order, W.M.P.(MD) No.14029 of 2019 stands dismissed and W.M.P.(MD) No.12786 of 2018 stands closed. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)



sj

To

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1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Collector,
Madurai District,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-88670[F] dated 23/09/2019)

+1 CC to M/s.GP (SR-88556[F] dated 23/09/2019)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-88616[F] dated
23/09/2019)

W.P. (MD) No.14113 of 2018
and W.M.P. (MD) Nos.12786 of 2018 and 14029 of
2019
20.09.2019

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