



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.25335 of 2019

and

W.M.P. (MD)No.21906 of 2019

A.G.Rajendran

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Commissioner,
Prohibition and Excise,
Madurai.

3.The District Manager,
Madurai North,
Tamil Nadu State Marketing Corporation (TASMAC),
Bye Pass Road, Menalur,
Madurai.

.. 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 respondents herein not to any new TASMAC shops situated at Old BSNL office building, adjacent to Madurai to Chennai high ways, near Ayyappan Nagar Junction and Thirumogur road junction, Y.Othakkadai Village limits, Madurai East Union, Madurai District on the basis of the petitioner's representation dated 18.11.2019.

For Petitioner

: Mr.Jerin Mathew

For R1

: Mr.A.Muthukaruppan

Additional Government Pleader

For R2 to R3

: Mr.H.Arumugam

Standing counsel for TASMAC

ORDER

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

Heard Mr.Jerin Mathew, learned counsel appearing for the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Mr.H.Arumugam, learned standing counsel for the second and third respondents. By consent on either side, this writ petition is taken up for final disposal at the stage of admission itself.



2. This writ petition has been filed praying for a direction to the respondent not to locate new TASMAC retail vending liquor shop in two locations namely in old BSNL office building adjacent to Madurai to Chennai highways and in Ayyappan Nagar Junction and Thirumogur road junction, Y.Othakkadai Village limits.

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3. The learned Standing counsel appearing for the respondent TASMAC shop has got written instructions from the third respondent dated 28.11.2019 stating that there is no proposal to locate the TASMAC retail vending liquor shop in the Old BSNL Office building. This instruction is placed on record and the respondents are restrained from locating the retail vending liquor shop in the old BSNL office building adjacent to Madurai to Chennai highways.

4. With regard to the second location, the learned Standing counsel for the respondent TASMAC shop does not have any instructions. According to the petitioner, the proposed location in Thirumogur road junction is within the prohibited distance from the place of worship i.e., it is within 30 metres. Apart from that, other problems that may arise, if the shop is located in the proposed location.

5. In the light of the above, we are inclined to issue appropriate direction to the first respondent to take note of the objection given by the petitioner as and when the proposal is received from the TASMAC for locating the shop in Thirumogur road junction.

6. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Commissioner,
Prohibition and Excise, Madurai.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-102608[F] dated 29/11/2019)

+1 CC to M/s.SPL GP (SR-102795[F] dated 29/11/2019)

W.P(MD)No.25335 of 2019

sma/07/01/2020/2p/5c