

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7616 of 2020
and WMP No.8949 of 2020

S.Mariappan .. Petitioner

Vs.

1. The District Collector,
Erode District, Erode.
 2. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
4th Floor, Thalamuthu Natarajan Maaligai,
Egmore, Chennai-8.
 3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Housing Unit, Kavundampalayam,
Coimbatore.
 4. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Erode.
 5. The Superintendent of Police,
Erode District, Erode.
 6. The Inspector of Police,
Ammappettai Police Station,
Ammappettai, Erode District.
- .. Respondents

Prayer : Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from opening the TASMAC wine shop in the proposed location at Door No.290/9 & 10, Thoppur, Mettur, Bhavani Main Road, Nerinjipettai, Anthiyur Taluk, Erode District, based upon the representation of the petitioner dated 23.03.2020.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader

O R D E R

(Order of the Court was made by Pushpa Sathyanarayana, J.)

The Court was held by Video Conference, in terms of the Resolution of the Full Court dated 30th April 2020, by Judges from their respective residence offices, where minimum staff made available and the counsel, staff of the Court appearing from their respective residences.

2. This writ petition styled as Public Interest Litigation (PIL) is filed seeking for an order of injunction restraining the respondents from opening a TASMAC wine shop in the proposed location at Door No.290/9 & 10, Thoppur, Mettur, Bhavani Main Road, Nerinjipettai, Anthiyur Taluk, Erode District, based upon the representation of the petitioner dated 23.03.2020.

3. It is stated that the Government of Tamil Nadu had issued a Government Order in G.O.Ms.No.32, Home, Prohibition and Excise (VI) Department, dated 21.05.2018, to all the District Collectors to follow certain procedures, while opening the TASMAC shops, which, inter alia, stating that at least 75% of the male working population is not employed in the agricultural sector and the minimum density of the population is 400 persons per sq. km.

4. According to the petitioner, the respondents now proposed to open the TASMAC at the petition mentioned location, without any planning permit from the authorities and without following the guidelines issued by the Hon'ble Supreme Court. It is also stated that he had given a representation dated 23.03.2020 in this regard to all the respondents. Yet another representation is said to have been sent on 27.04.2020 to the respondents. As it is apprehended that despite the objections raised, the respondents are attempting to open the TASMAC shop in the said location, the petitioner is before this Court.

5. The learned Government Pleader states that the fourth respondent-District Manager, TASMAC, Erode, is the competent officer to consider such representations and the petitioner may be directed to approach the fourth respondent in this regard.

6. Heard the learned counsels on either side and perused the materials placed before us.

7. As the representations of the petitioner dated 23.03.2020 and 27.04.2020 are with the respondents, in particular, the fourth respondent, the same may be considered by the said officer, after affording an opportunity of personal hearing, as may be possible on account of COVID-19 situation, and appropriate orders may be passed on such representations on merits and in accordance with law. The said exercise shall be completed within a period of four weeks from today.

8. With the above directions, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Ammapettai, Erode District.

W.P.No.7616 of 2020

RSV(CO)
RMP(17/08/2020)