

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.13955 of 2020 &
WMP.No.17339 & 17341 of 2020

1 P. Ramasamy

2 Kalaivani Ramasamy ...Petitioners

Vs

1 The District Collector
Tiruppur, Tiruppur District

2 The District Manager
Tamil Nadu State Marketing Corporation Ltd
Tiruppur, Tiruppur District

3 The Commissioner of Police
Tiruppur City, Tiruppur District

4 The Tahsildar
Tiruppur North Taluk,
Tiruppur DistrictRespondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of mandamus forbearing the respondents 1 and 2 from shifting TASMAG Shop No.3942 from the petitioners Building bearing Door No.335 of 2F2 in Nerupperuchel village via Vavipalayam - Koolipalayam Nalu Road Junction Tiruppur North Tiruppur district - 641602 as the said shop is already shifted to the above premises by the order of the 1st respondent passed in his proceedings bearing Na.Ka.No.11949/2019/Excise -2 dated 22.08.2019.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents: Mr.R.P.Prathap Singh
Government Advocate for R1, R3 & R4
Mr.Sathish Kumar
Standing Counsel for R2

O R D E R

The petitioner prays for a Writ of Mandamus forbearing respondents 1 and 2 from shifting TASMAC Shop No 3942 located at Door No. 335/2F2 in Nerupperuchel Village via Vavipalayam-Koolipalayam Nalu Road Junction Tiruppur North, Tiruppur District- 641 602.

2. Mr.Sathish Kumar states that the request for shifting of the shop from the current location was found to be politically motivated and hence no action is proposed to be taken in that regard. A memo of TASMAC dated nil confirming the aforesaid is extracted below:

1. It is respectfully submitted that the prayer sought for in this Writ Petition is to issue a Writ of Mandamus forbearing the Respondents 1 and 2 from shifting TASMAC Shop No 3942 from the Petitioners Building bearing Door No. 335/2F2 in Nerupperuchel Village via Vavipalayam- Koolipalayam Nalu Road Junction Tiruppur North, Tiruppur District- 641 602.

2. It is respectfully submitted that this respondent is adopting the counter filed by the 1st respondent/District collector.

3. It is respectfully submitted that the 2nd Respondent/District Manager issued a written instruction dated 24.11.2020 to me by stating that "the 2nd respondent sent a proposal on 31.07.2019 to the District Collector for locating the TASMAC shop No.3942 in the Building bearing Door No.335/2F2 in Nerupperuchal village via Vavipalayam - Koolipalayam Road Junction Tiruppur North, Tiruppur. The said building was owned by Mr.P.Ramasamy and Kalaivani Ramasamy who is the petitioners herein. The Assistant Commissioner (Excise) Tiruppur on 20.08.2019 inspected the said location and submitted his report to the District collector by stating that the said location is in accordance with Rule 8(1) of the Tamil Nadu Liquor Vending (In Shops and Bars) Rules 2003 and also in accordance with Supreme Court orders in SLP(C).No.12164 - 12166 of 2016 dated 31.03.2017. Further the Building Planning approval was produced by the landlords which was obtained from Tiruppur Municipality, along with their consent letter dated 17.07.2019.

After verifying the reports and proposal, the District Collector passed an order for opening the said shop No.3942 in the Building bearing Door No.335/2F2 in Nerupperuchal village via Vavipalayam - Koolipalayam Road Junction Tiruppur North, Tiruppur by his proceeding dated 22.08.2019 and the shop is functioning till date.

Immediately after opening the shop, some of the 3rd parties made an objection for opening the said shop and therefore the peace committee meeting was held on

21.08.2020 and decided to re-locate the shop to a new place within 3 months. The landlords were not a party to the said proceedings and the objections are only a politically motivated. The case on hand is that there is no representation or objection from the general public. In view of the same the 2nd respondent is not going to re-locate or shift the TASMAL Shop No.3942 from the petitioner Building bearing Door No.335/2F2 in Nerupperuchal village via Vavipalayam - Koolipalayam Road Junction Tirupur North, Tirupur to any other new place unless valid objection from the general public since there is no law and order problem till date and the said shop also located in accordance with all the rules."

3. Recording the aforesaid, as nothing further survives in this writ petition, the same is closed. Connected miscellaneous petitions are also closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Ska/sl

To

- 1 The District Collector
Tiruppur, Tiruppur District
- 2 The District Manager
Tamil Nadu State Marketing Corporation Ltd
Tiruppur, Tiruppur District
- 3 The Commissioner of Police
Tiruppur City, Tiruppur District
- 4 The Tahsildar
Tiruppur North Taluk,
Tiruppur District

+lcc to the Government Pleader SR.NO.38446

+lcc to Mr.P.Ebenezer Paul, Advocate SR.NO.3211

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NRJK CO
SDR 17/12/2020