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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.28788 of 2019

M.Tamizharasan

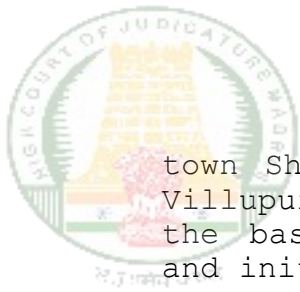
... Petitioner

Vs

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary
to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 3.TASMAC Limited,
Rep. by its Managing Director,
4th Floor, CMDA Tower,
Egmore, Chennai - 600 008.
- 4.The District Collector,
Villupuram District,
Villupuram.
- 5.The Assistant Commissioner(Excise),
Villupuram,
Villupuram District.
- 6.E.Anandan
(impleaded vide order dated 11.03.2020
in W.M.P.No.30576 of 2019 in W.P.No.28788
of 2019)

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus directing the fourth respondent to conduct field verification in respect of the TASMAC shops viz. Shop Nos.11800, 11669 and 11440 of Sankarapuram, Shop Nos. 11447 and 11448 of Tirukoilur, Shop Nos.11519 and 11409 of Nannadu (Villupuram town) and Villupuram



town Shop No.11461 of Marakanam and Shop No.11587 of Siruvadi, Villupuram District and remove them from the present location on the basis of the petitioner's representation dated 22.07.2019 and initiate stringent action against the erring officials.

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For Petitioner : Mr.M.Gnanasekar

Mr.B.Anand, Govt. Advocate
for R1, R2, R4, R5
For Respondents : Mr.K.Sathish Kumar, Standing
Counsel for R3
Mr.K.Balaji for R6

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

The petitioner filed this writ petition, inter alia, alleging that contrary to the Rules and Regulations, the shops are put up and being run. Therefore, the petitioner sought for fresh inspection by the third respondent followed by required action.

2. During the pendency of the proceedings, inspections made over the nine shops. Of the nine shops, five are found to be in violation of G.O.(Ms.)No.32, Home, Prohibition and Excise (VI) Department, dated 21.05.2018. Thus, the five shops out of nine are located in a place which is prohibited under law. Accordingly, the five shops have been closed.

3. Insofar as the remaining four shops are concerned, it was found that they have been put up in tune with the aforesaid G.O. (Ms.)No.40, Home, Prohibition and Excise (VI) Department, dated 31.10.2019. Therefore, these shops cannot be closed.

4. The learned counsel appearing for the petitioner submitted that these shops also will have to be closed. The learned counsel appearing for one of the shops closed submitted that liberty may be given to challenge the closure of the shop.

5. The prayer sought for by the petitioner has been satisfied. The third respondent has carried out the inspection and thereafter took the action. If the petitioner is aggrieved over the continuance of four shops, he has to come out with a separate prayer by adding those persons. Admittedly, these four



shops are running with prior licenses as of now. Similarly, if the licensee, whose shops have been closed, is aggrieved, it is well open to him to come up with the fresh writ petition challenging the action of the third respondent.

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The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssm

To

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

3.TASMAC Limited,
Rep. by its Managing Director,
4th Floor, CMDA Tower,
Egmore, Chennai - 600 008.

4.The District Collector,
Villupuram District,
Villupuram.

5.The Assistant Commissioner(Excise),
Villupuram,
Villupuram District.

+1cc to Mr.K.Sathishkumar, Advocate Sr.22231

+1cc to Mr.M.Gnanasekar, Advocate Sr.21822

+1cc to Mr.K.Balaji, Advoate Sr.21552

+1cc to the Government Pelader Sr.22670

W.P.No.28788 of 2019

ev[co]

srg 10/07/2020