

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 15191 of 2017
and
W.M.P. No. 16462 of 2017

Sunny George

... Petitioner

-vs-

1. The Chairman and Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.

2. S. Rajkumar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the First Respondent to close down TASMAC Shop No.428 and bar being run by the Second Respondent in the premises bearing No.11, Whites Road, Royapettah, Chennai - 600 014 in compliance with the orders issued by the Hon'ble Supreme Court in State of Tamil Nadu -vs- K.Babu (2017) 2 SCC 281.

For Petitioner : Ms. C.P. Niveda
For Mr. A. Jenasanen

For Respondents: Mr. K. Sathish Kumar (For R1)
Standing Counsel

No Appearance (For R2)

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O R D E R

(through video conference)

Heard Ms. C.P. Niveda, Learned Counsel for the Petitioner and Mr. K. Sathish Kumar, Learned Standing Counsel appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed seeking a direction to the First Respondent to close down the liquor business carried on at TASMAL Shop No.428 with attached bar by the Second Respondent in the premises at No.11, Whites Road, Royapettah, Chennai - 600 014, in furtherance to the decision of the Hon'ble Supreme Court of India in State of Tamil Nadu -vs- K.Babu [(2017) 2 SCC 281].

3. It is brought to notice of this Court by the Learned Standing Counsel appearing for the First Respondent that the Hon'ble Supreme Court of India in Arrive Safe Society of Chandigarh -vs- Union Territory of Chandigarh and Another [(2018) 13 SCC 133], has modified the aforesaid earlier order, which reads as follows:-

" 7. The purpose of the directions contained in the order dated 15.12.2016 is to deal with the sale of liquor along and in proximity of highways properly understood, which provide connectivity between cities, towns and villages. The order does not prohibit licensed establishments within municipal areas. This clarification shall govern other municipal areas as well. We have considered it appropriate to issue this clarification to set at rest any ambiguity and to obviate repeated recourse to IAs, before the Court."

4. It is incumbent upon the First Respondent to consider the representation dated 15.04.2017 made by the Petitioner and after affording full opportunity of personal hearing to the Petitioner and all other persons concerned, pass reasoned orders on merits in accordance with law, taking into account of the aforesaid decisions of the Hon'ble Supreme Court of India, governing the matter and communicate the decision taken to the parties concerned under written acknowledgment. The report for such compliance shall be filed by 31.12.2020 before the Registrar (Judicial) of this Court.

Accordingly the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman and Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road
Egmore, Chennai - 600 008.

2.The Registrar Judicial,
High Court, Madras.

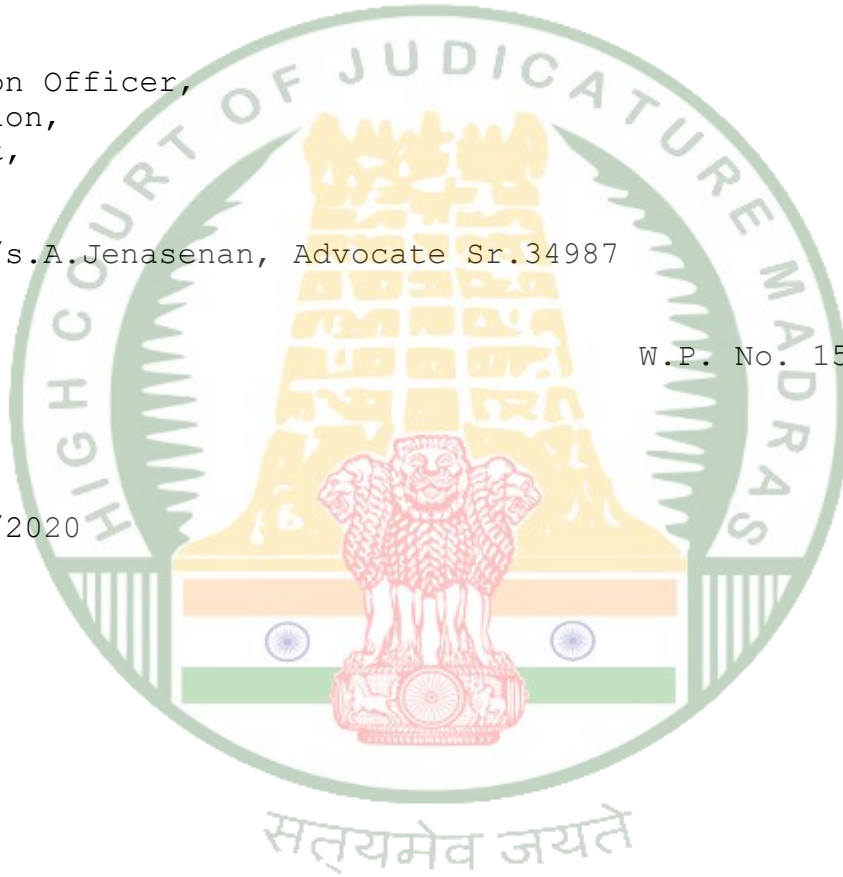
Copy to

The Section Officer,
Writ Section,
High Court,
Madras.

+2cc to M/s.A.Jenasenan, Advocate Sr.34987

W.P. No. 15191 of 2017

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srg 20/11/2020



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