



WEB COPY

W.P(MD)No.618 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.618 of 2020

and

W.M.P(MD)No.454 of 2020

R.S.Alagu

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Commissioner,
Prohibition and Excise Department,
Virudhunagar District.

3.The District Manager,
Tamilnadu State Marketing Corporation Limited,
(TASMAC) Virudhunagar,
Virudhunagar District.

4.The Manager,
Tamilnadu State Marketing Corporation Limited,
(TASMAC),
29/34, SIDCO Industries Ltd.,
Sulakarai,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents not to establish a TASMAC Liquor Shop at T.S.No.15/1, Ward D, Block No.18, 20 Mudakkiyar Road, nearby Petrol Bulk, Rajapalayam, Virudhunagar District.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.R.Sethuraman
Special Government Pleader
for R.1 & R.2
Mr.H.Arumugam for R.3 & R.4

* * * * *



ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

In the opinion of this Court, it is not a fit case to issue any directions as prayed for, inasmuch as Rule 8 of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003, specifies the prohibited distance from where TASMAL shops can be established. If the shop is within the prohibited area, it is open to the petitioner to refer the same to the authority concerned, namely, the District Collector. If the shop comes within the prohibited area, as alleged by the petitioner, the District Collector concerned can take appropriate action, as per the Rules.

2. The Writ Petition is dismissed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Commissioner,
Prohibition and Excise Department,
Virudhunagar District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-9835[F] dated 03/03/2020)

+1 CC to M/s.SPL.GP (SR-9974[F] dated 04/03/2020)

W.P(MD)No.618 of 2020

and

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KK/16.03.2020/ 2P- 5C