



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2020

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P.[MD].No.4731 of 2020
and
W.M.P.(MD)No.4109 of 2020

Jegatheesan

: Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Nanjukottai,
Thanjavur District.
3. The Tahsildar,
Office of the Taluk Office,
Thanjavur District.

: Respondents

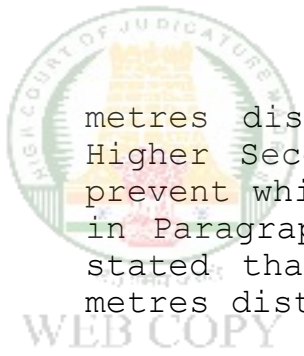
PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent herein not to locate and establish the proposed TASMAC shop at No.1872, Raja Veethi, Karanthai, Thanjavur, by considering the petitioner's representation dated 15.02.2020.

For Petitioner : Mr.C.Gangai Amaran
For Respondents 1&3 : Mr.M.Pandiarajan,
Additional Government Pleader
For Respondent No.2 : Mr.H.Arumugam

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that the respondents are proposing to give licence for establishing a TASMAC Shop within 100



metres distance from Government High School and Uma Maheswaranar Higher Secondary School, in Raja Veethi, Karanthai, Thanjavur, to prevent which, this Public Interest Litigation has been filed. Even, in Paragraph No.4 of the affidavit filed by the petitioner, he has stated that the proposed TASMAL Shop will be located within 100 metres distance from the said two Schools.

2. Rule 8 of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003, fixes a prohibited distance at 50 metres in respect of Corporations. Thanjavur is, admittedly, a Corporation. In such view of the matter, we are not inclined to issue any directions in this Writ Petition and hence, the same stands dismissed. However, the first respondent shall bear in mind the extant Rules, while deciding to establish the TASMAL shop at the said place. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The District Collector,
Thanjavur District,
Thanjavur.
2. The Tahsildar,
Office of the Taluk Office,
Thanjavur District.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10136[F] dated 05/03/2020)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-10403[F] dated 06/03/2020)

SML

TE : 18/03/2020 : 2P/5C

Order made in
W.P.[MD].No.4731 of 2020 and
W.M.P. (MD)No.4109 of 2020
Dated: 05.03.2020