



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.16108 of 2020

and

W.M.P. (MD) No.13484 of 2020

V.Ramaiyan

: Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Managing Director,
TASMAC Limited,
Chennai.

3.The Senior Regional Manager,
TASMAC Limited,
Trichy.

4.The District Manager,
TASMAC Limited,
Thanjavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents from shifting the TASMAC Liquor Shop No.8163 from Mayana Salai, Avidanallavijayapuram Village, Orathanadu Taluk, Thanjavur District to an agricultural land situated in S.No.127/7 at Avidanallavijayapuram Village, Orathanadu Taluk, Thanjavur District, by considering the petitioner's representation dated 05.10.2020.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.R.Murugan,
Additional Government Pleader for R.1
Mr.H.Arumugam,
Standing Counsel for R.2 to R.4

ORDER

(Order of the Court was made by **B.PUGALENDHI, J.**)

The petitioner has filed this writ petition as a *pro bono litigation* to forbear the respondents from shifting the TASMAC Liquor Shop No.8163 from Mayana Salai, Avidanallavijayapuram Village, Orathanadu Taluk, Thanjavur District to an Agricultural



Land situated in S.No.127/7 at Avidanallavijayapuram Village, Orathanadu Taluk, Thanjavur District.

2. According to the petitioner, he is an Agriculturalist and at present, there is a TASMAL Shop running in No.8163, Mayana Salai, Avidanallavijayapuram Village, Orathanadu Taluk, Thanjavur District. His case is that the authorities are trying to shift the shop from the present location to S.No.127/7, Avidanallavijayapuram Village, Orathanadu Taluk, Thanjavur District, which is an Agricultural land. The proposed place is within 150 meters from the State Highways and if the shop is opened in the proposed place, ie., agricultural land, there are every chance for the persons consuming liquor by occupying the nearby agricultural fields and throw the empty bottles therein. Therefore, he has made a representation to the authorities in this regard on 05.10.2020 and alleging inaction on their part, he has moved this writ petition.

3. Mr.R.Murugan, learned Additional Government Pleader takes notice for the first respondent and Mr.H.Arumugam, learned Standing Counsel takes notice for the respondents 2 to 4.

4. The learned Standing Counsel appearing for the respondents 2 to 4, on instructions, would submit that at present, the TASMAL shop is running in No.8163, Mayana Salai, Avidanallavijayapuram Village, Orathanadu Taluk, Thanjavur District and the said place belongs to one Kalaiyarasan. The said Kalaiyarasan is creating several problems by digging several pits in front of the shop and is also demanding extra money from them. In view of the problems created by the said Kalaiyarasan, they are intending to shift the shop. At the behest of the said Kalaiyarasan, the petitioner, who is also his relative, has filed this writ petition.

5. The learned Standing Counsel, on instructions, would further submit that the proposed place, as alleged by the petitioner, is not yet finalized. Even according to the petitioner, construction is going on in the proposed place and after completion of the said construction, a proposal would be placed before the authorities and only thereafter, a decision will be taken. He further undertook that in the event of shifting of the TASMAL shop, it will be made strictly in accordance with law, keeping in mind the prohibited distance ratio.

6. In view of the submission made by the learned Standing Counsel, this writ petition is closed. However, it is open to the petitioner to revive his claim, in future, if need arises. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Managing Director,
TASMAC Limited,
Chennai.

3. The Senior Regional Manager,
TASMAC Limited,
Trichy.

4. The District Manager,
TASMAC Limited,
Thanjavur District.

+1 CC to Spl GP (SR-22367[F] dated 20/11/2020)

+1 CC to Mr.H.ARUMUGAM, Advocate (SR-22154[F] dated 19/11/2020)

+1 CC to Mr.C.SUSI KUMAR, Advocate (SR-22264[F] dated 20/11/2020)

W.P. (MD) No.16108 of 2020
18.11.2020

VB (04.12.2020) 3P 8C