



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

AND

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

W.P (MD) No. 26118 of 2019

and

W.M.P (MD) Nos. 23362 & 22584 of 2019

Manavalan

... Petitioner

Vs.

1. The Senior Regional Manager,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Madurai Region, No. 100, Anna Nagar,
Madurai - 625 020.

2. The District Collector,
Collectorate Building,
Ramanathapuram, Ramanathapuram District.

3. The Branch Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from permitting a TASMAC shop at Gandhiji Road, Paramakudi, Ramanathapuram District based on the petitioner's representations dated 02.12.2019 and 05.12.2019.

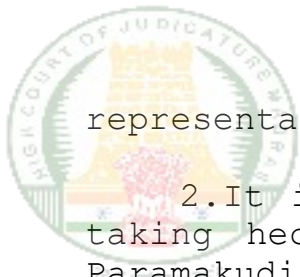
For Petitioner : Mr. D. Senthil
For RR 1 & 3 : Mr. B. Jameelarasu

For R - 2 : Mr. R. Murugan,
Government Advocate.

ORDER

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

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, forbearing the respondents from permitting the TASMAC shop at Gandhiji Road, Paramakudi, Ramanathapuram District based on the petitioner's



representations dated 02.12.2019 and 05.12.2019.

2.It is the case of the petitioner that the respondents were taking hectic steps to open the TASMAC shop in Gandhiji Road, Paramakudi and the proposed shop is within 50 meters of the Sankara Vidyalaya School and within 100 meters of the Pathirakaliamman Temple.

3.The petitioner has also filed an application in W.M.P(MD)No.23362 of 2019 seeking for appointment of an Advocate Commissioner to inspect the distance between the School and the TASMAC shop.

4.In the affidavit filed in support of the Miscellaneous Petition, the petitioner has stated that the school building is within 233 feet ie., 72 meters and the same is against Rule 8 of the Tamil Nadu Liquor Retail Vending (Shops and Bars) Rules, 2003. Contrary to the same in the representation dated 05.12.2019 given the petitioner, which is enclosed in the typedset of papers, he has stated that the TASMAC shop is within 100 meters from the School.

5.As per Rule 8 of the Tamil Nadu Liquor Retail Vending (Shops and Bars) Rules, 2003, a TASMAC should not be located within 50 meters from the School. Since it is not the case of the petitioner that the TASMAC shop is located within 50 meters from the School and that it is located only within 72 meters from the School, the relief sought for in the Writ Petition cannot be granted. That apart, it is brought to the notice of this Court that the respondents have already opened the TASMAC shop on 13.12.2019.

6.For the reasons stated above, we do not find any merits in the Writ Petition and accordingly, the same is dismissed. No costs. Consequently, connected W.M.P(MD)No.22584 and 23362 of 2019 are also dismissed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps



To

1. The Senior Regional Manager,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Madurai Region,
No.100, Anna Nagar,
Madurai -625 020.

2. The District Collector,
Collectorate Building,
Ramanathapuram,
Ramanathapuram District.

3. The Branch Manager,
Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Ramanathapuram.

+1 CC to M/s.D.SENTHI, Advocate (SR-4497[F] dated 03/02/2020)

+1 CC to M/s.D.SENTHIL, Advocate (SR-4296[F] dated 31/01/2020)

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-4638[F] dated
04/02/2020)

W.P (MD) No. 26118 of 2019
31.01.2020

vr (CO)

TR(12.02.2020) 3P 7C