

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.12068 of 2020  
and  
WMP. No. 14799 of 2020

S.R.Velusamy

... Petitioner

Vs.

1. The Chairman,  
Tamil Nadu State Marketing Corporation (TASMAC),  
CMDA Tower, Egmore,  
Chennai - 600 008.
2. The District Collector,  
Erode District, Erode.
3. The General Manager,  
Tamil Nadu State Marketing Corporation (TASMAC),  
No.24, TASCOT Building,  
Suriyampalayam,  
Erode - 638 316.
4. Kalaivani  
(R4 impleaded vide Order dated 11/12/2020  
made in WMP No.22836/2020 in  
W.P. No.12068 of 2020 by ASMJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus forbearing the respondents from proceeding in any manner for establishment of TASMAC outlet in Survey No.956/3 in Erode Village, Erode Taluk and District.

For Petitioner

: Ms.Karthika for  
Mr.P.Kannan Kumar

For Respondents

: Mr.K.Sathish Kumar,  
Standing Counsel for R1 & R3  
Mr.R.P.Prathap Singh for R2  
Mr.K.Thilageswaran for R4

## O R D E R

The petitioner seeks a Mandamus forbearing the respondent from proceeding in any manner from establishing a Tamil Nadu State Marketing Corporation (TASMAC) outlet in Survey No.956/3 in Erode Village, Erode Taluk and District.

2. The main grounds on which the mandamus has been sought are that the area is residential in nature, the outlet was proposed to be opened without following applicable Rules and Regulations, no building permission has been granted by the Town and Country Planning Department to open the TASMAC retail outlet, the proposed location is in close vicinity to educational institutions that are within 1.5 to 2.0 kilometres housing more than 4,000 students, traffic condition in the area is heavy and there are temples in the vicinity close to the proposed shop, less than 800 ft from the location in question. He states that several representations have been made to the General Manager, TASMAC/R3 requesting re-location of the proposed outlet, but there has been no response till date. Hence, the present writ petition.

3. Since the owner of the building housing the shop was not impleaded, she was impleaded as R4 by order of this Court dated 11.12.2020. Counter affidavit has been filed by R4 as well as by TASMAC.

4. In the counter affidavit filed by TASMAC all the allegations relating to the non-adherence of the Tamil Nadu Liquor Retail Vending (Shops and Bars), Rules 2003 are denied. They would state that the shop in question is located in accordance with the stipulation in G.O.(MS).No.32 Home, Prohibition & Excise (VI) Department, dated 21.05.2018 as well as the orders of the Supreme Court passed in SLP (C) Nos.12164 - 12166 of 2016 dated 15.02.2016 and 31.03.2017.

5. TASMAC further confirms that Shop No.3054 was originally located at Door No.209, Cauvery Road, Karungalpalayam, Erode District and closed on 31.03.2017. A proposal was thereafter sent to the District Manager/R2 on 18.06.2020 for re-location at the present location. They confirm that a building planning permission for construction of a building comprising 31X31 sq.ft has been obtained and produced by R4. A no objection has been obtained from the Superintendent of Police, Erode District on 23.01.2020 and the proposals for setting up of the shop have been approved by the District Collector on 22.07.2020. The shop is proposed to be run as an Elite Shop with no bar attached and hence there would be no traffic congestion or unsavory incidents

at the scene. The counter filed by R4 reiterates the aforesaid facts.

6. No case at all has been made out by the petitioner in support of the mandamus sought or to establish violation of applicable Rules or Regulations and all allegations made have been specifically and methodically denied by the respondents. In the light of the aforesaid factual position, I find no justification or warrant for the grant of mandamus as sought for.

7. This Writ Petition is dismissed and connected miscellaneous petitions are also dismissed. No costs.

Sd/-  
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,  
Tamil Nadu State Marketing Corporation (TASMAC),  
CMDA Tower, Egmore,  
Chennai - 600 008.
2. The District Collector,  
Erode District, Erode.
3. The General Manager,  
Tamil Nadu State Marketing Corporation (TASMAC),  
No.24, TASCO Building,  
Suriyampalayam,  
Erode - 638 316.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No.16977

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.17181

W.P. No.12068 of 2020 and  
WMP. No. 14799 of 2020

GPL  
TE (17/04/2021)