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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WP No.20862 of 2021
and WMP No.22129 of 2021

A.Ravintharan

... Petitioner

-vs-

- 1 The State of Tamil Nadu
Rep by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2 The Managing Director
TASMAC, CMDA Building, Gandhi Nagar,
Egmore, Chennai - 8.
- 3 The Regional Manager
TASMAC Ltd, 305A, Vilankurichi Road,
Chintamani Co-operative Society Depot,
Coimbatore Region, Peelamedu,
Coimbatore - 641 004.
- 4 The District Manager
TASMAC Ltd,
Tamil Nadu Ware Housing Corporation,
Tirupur Region, Tirupur - 641602.
- 5 The District Collector
Tiruppur District, Tiruppur.
- 6 The Superintendent of Police
Tiruppur District, Tiruppur. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the TASMAC Liquor shop bearing Registration No. 1830 from the present location at Chettipalayam Road near National Highway Road, Palladam Taluk, Tiruppur District and relocate it to some other unobjectionable place.



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For the Petitioner : Mr.Arvind Viveks
for Mr.I.Saddam Hussain

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for RR 1, 5 and 6

Mr.K.Satish Kumar,
Standing Counsel,
for RR 2, 3, and 4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that a Tasmac outlet bearing registration No.1830 is located at Chettipalayam road near a national highway in Palladam Taluk of Tiruppur District.

2. There are guidelines pertaining to where Tasmac outlets may be permitted. Ordinarily, grievances of such kind need to be carried to the District Collector for the District Collector to look into the same.

3. Mr.P.Muthukumar, learned State Government Pleader, appears for the respondent Nos.1, 5 and 6. Mr.K.Satish Kumar, learned standing counsel, takes notice on behalf of respondent Nos.2 to 4. It is submitted on behalf of the appearing respondents that pursuant to complaints lodged by local residents, the District Collector caused an inquiry to be made, whereupon it was found that all guidelines and applicable parameters had been met in setting up the Tasmac outlet at its present site. It is further submitted on behalf of the appearing respondents that the requirements of G.O.(Ms.) No.32, Home, Prohibition and Excise (VI) Department, dated May 21, 2018 have also been met and the distance norms are not violated.

4. Since the petitioner requires a further inquiry, the petitioner will make a deposit of Rs.20,000/- with the District Collector, Tiruppur within four weeks from date together with the petitioner's written representation detailing the norms which are perceived to have been breached. Only upon receipt of the deposit along with the written representation, the District Collector will cause a further inquiry to be made to ascertain whether the allegations as to breach are justified. In course of such inquiry, the petitioner may be involved in the process. However, if there is any breach which is discovered, the District Collector will immediately address the issue and refund the deposit to the petitioner. In the event no breach is discovered, the deposit will be forfeited.



5. The inquiry should be completed and the findings thereupon rendered within six weeks of the receipt of the representation together with the deposit.

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WP No.20862 of 2021 is disposed of without any order as to costs. Consequently, WMP No. 22129 of 2021 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra
To:

- 1 The Principal Secretary to Government,
Home Prohibition and Excise Department,
Secretariat Fort St. George,
Chennai - 600 009.
- 2 The Managing Director,
TASMAC CMDA Building Gandhi Nagar,
Egmore, Chennai - 8.
- 3 The Regional Manager,
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Coimbatore - 641 004.
- 4 The District Manager,
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- 5 The District Collector,
Tiruppur District Tiruppur.
- 6 The Superintendent of Police,
Tiruppur District Tiruppur.

+1cc to Mr.I.Saddam Hussain, Advocate Sr.51091
+1cc to the Government pleader Sr.51310

W.P.No.20862 of 2021

mg[co]
srg 05/10/2021