



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2021**

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.12971 of 2013 and 2612 of 2019

(Through Video Conferencing)

Nattamai Athi Annamalai
Pillai Nangu Varisudhargal
Uravinmurai Munnetra Sangam
through its Secretary
C.T.R.N.Balamurugan

... Petitioner

Vs.

1.The District Collector
Theni District, Theni.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd, (TASMAC)
Theni District

3.N.Natarajan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the 1st respondent to cancel the license for conducting wine shop and bar in S.No.627 in Chinnamanur, in Theni District by disposing the petitioner's representation dated 06.07.2013.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.K.P.Krishnadoss

Special Government Pleader for R1

Mr.K.Appadurai for R3

Mr.B.Jameelarasu for R2

W.P.No.2612/2019

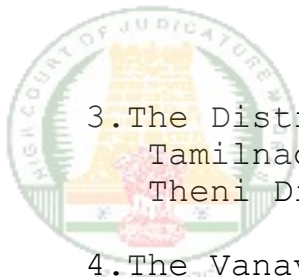
Jeganraj

... Petitioner

Vs.

1.The District Collector
Theni District
Theni.

2.The Tahsildar,
Uthammapalayam Taluk
Theni District.



3.The District Manager,
Tamilnadu State Marketing Corporation Ltd, (TASMAC)
Theni District

4.The Vanavil Recreation Club
Represented by its Secretary
Chinnamanur, Theni District.

... Respondents

(R4 has been suo motu impleaded vide Court order dated 07.03.2019)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents to close the TASMAC shop No.8547 and 8549 from Chinnamanur, Uthammapalayam Taluk, Theni District.

For Petitioner : Mr.S.Muniyandi
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader for R1 & R2
Mr.B.Jameelarasu for R3

COMMON ORDER

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

As both the writ petitions pertaining to the same shop, they have been taken up and disposed of by this common order.

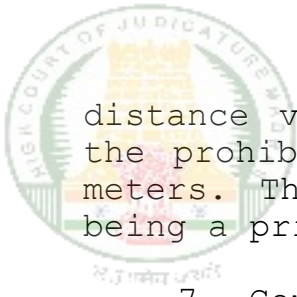
2. W.P.(MD) No.12971/2013 has been filed seeking a writ of mandamus to cancel the license given for conducting one shop and bar in S.No.627 Chinnamanur, Theni District.

3. W.P.(MD) No.2612/2019 has been filed seeking to close the two TASMAC shops.

4. On perusal of the affidavit and counter affidavit, in the first writ petition, namely, W.P.No.12971/2013, we have no hesitation to hold that it is a private dispute between the petitioner and the respondent No.3. There were other proceedings pending between the parties. The deponent of the affidavit has executed a power deed to execute sale in favour of the third respondent. There are clearly suppression of material facts with respect to the ongoing disputes.

5. In W.P.(MD) No.2612/2019, the grievance is with respect to the location of the shops within the prohibited distance. We do not find any material to substantiate this allegation.

6. The learned counsel for the TASMAC submitted that both the writ petitions are personally motivated ones and there is no



distance violation, especially when the shops are situated within the prohibited limits. The appropriate distance limit is only 50 meters. The concerned temple is also not functioning, apart from being a private one.

7. Considering the above, we do not find any merit in these writ petitions. We have sufficient material to hold that these are all private litigations. The shops are running from the year 2010 onwards. The petitioner in W.P.(MD) No.12971/2013 has not stated anything on the ongoing disputes.

8. The counter affidavit filed by the TASMAL indicating the extension of private dispute resulting in filing of the subsequent writ petition has also not been denied or disputed. Even otherwise, we do not find any merit in these writ petitions. Accordingly, both the writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Collector
Theni District
Theni.

2.The District Manager,
Tamilnadu State Marketing Corporation Ltd, (TASMAL)
Theni District

3.The Tahsildar,
Uthamapalayam Taluk
Theni District.

+1 CC to GP (SR-5610[F] dated 16/02/2021)

+2 CC to M/s.K.APPADURAI, Advocate (SR-5563 & 5288[F] dated 17/02/2021)

W.P. (MD)Nos.12971 of 2013 & 2612 of 2019

Dated: 16.02.2021

(CO)

KV(26.02.2021) 3P 7C