



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2021

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.18637 of 2013

and

M.P. (MD) No.1 of 2013

Dr.V.Subramaniyan

.. Petitioner

Vs.

1. The State Rep by Secretary to Government,
(Prohibition & Excise),
Fort St. George,
Chennai.

2. The Managing Director,
TASMAC, C.M.D.A Tower,
Egmore, Chennai.

3. The District Collector,
Trichy.

4. The Senior Regional Manager,
TASMAC,
Trichy.

5. The District Manager,
TASMAC, Thuvakudi.
Trichy.

6. Mahendran

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 not to grant license to open a TASMAC Shop and Bar in the 6th respondent building situated in VOC Street, Ward No.36 Ponmalai Patti, Trichy.

For Petitioner
For R1 & R3

: Mr.C.Deepak
: Mr.D.Ghandiraj,
Government Advocate

For R2,R4 and to R5

: Mr.B.Jameel Arasu,
Standing Counsel

For R6

: Mr.B.Balachandar



ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the respondents 1 to 5 not to grant license to open a TASMAL Shop or Bar in the sixth respondent building situated in VOC Street, Ward No.36 Ponmalai Patti, Trichy.

2.Though Mr.B.Jameel Arasu, learned counsel appearing for the respondents 2 to 5 based on his instructions as well as the averment made in the counter affidavit would submit that the prayer sought for in this Writ Petition has become infructuous, Mr.C.Deepak, learned counsel appearing for the petitioner submits that he has not received any definite instruction in this regard from the petitioner.

3.Be that as it may, the prayer itself is to seek for a Mandamus, directing the respondents 1 to 5 not to grant license to open a TASMAL Shop or Bar in the sixth respondent building situated in VOC Street, Ward No.36 Ponmalai Patti, Trichy.

4.Since the sixth respondent has not come before this Court to oppose the prayer, at this juncture ie., after seven or eight years, this Court cannot decide whether the location of the building belongs to the sixth respondent is the fittest location for locating the TASMAL shop or not and in this regard, the objection raised by the petitioner whether can be accepted or not cannot also be decided at this moment.

5.However, if at all the TASMAL wants to open a TASMAL retail shop in the premises belongs to the sixth respondent, for which any objection come from the petitioner's side, the same can be considered and accordingly, a decision can be taken as per the relevant rule in this regard.

6.With these observations, this Writ Petition is disposed of. However, there shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias/mga

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for

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official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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1. Secretary to Government,
(Prohibition & Excise), Fort St. George,
Chennai.
2. The District Collector,
Trichy.
3. The Managing Director,
TASMAC, C.M.D.A Tower,
Egmore, Chennai.

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