



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.P. (MD) No. 3405 of 2020

and

W.M.P. (MD) Nos. 2865, 10644 of 2020

P. Baluchamy : Petitioner
Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Chennai.

3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Madurai.

4. The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
Madurai.

5. The Inspector of Police,
Karimedu Police Station,
Madurai Town.

6. A. Karmegam : Respondents

[R.6 impleaded vide order dated 11.03.2021 made in W.M.P. (MD) No. 10642 of 2020 in W.P. (MD) No. 3405 of 2020]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from opening a TASMAC shop with bar at Door No. 100 of Melakkal Main Road, Mudakkusalai, Madurai.

For Petitioner : Mr. K. Gokul

For Respondents : Mr. K. P. Krishnadoss,
Special Government Pleader
for R.1 & R.5



Mr.H.Arumugam,
Standing Counsel for R.2 to R.4

Mr.N.Sathish Babu for R.6

WEB COPY

ORDER

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

The petitioner came forward to file this public interest litigation, *inter alia*, alleging that the proposed TASMACH shop is within the prohibited distance.

2. The learned Counsel appearing for the petitioner submitted that a School and a Dance School are within the prohibited distance of the proposed shop.

3. The learned Counsel appearing for the licensee, who has been impleaded as sixth respondent, submitted that these aspects have been taken note of, as could be seen from the proceedings dated 10.03.2020 of the fourth respondent. The Schools are beyond the prohibited distance.

4. The learned Standing Counsel appearing for TASMACH submitted that the proposed location is a commercial area and therefore, distance rule will not apply. In any case, the proposed shop is beyond the prohibited distance.

5. We do not find any merit in this writ petition. The proposed shop is in a commercial place, apart from the fact that the School and the Dance School are situated beyond the prohibited distance. Even otherwise, this Court cannot a roving enquiry in this matter. From the typedset of papers filed by the sixth respondent, it could be seen that permission has already been obtained for the building, as well.

6. In such view of the matter, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk



To

1. The District Collector,
Madurai District,
Madurai.

2. The Inspector of Police,
Karimedu Police Station,
Madurai Town.

+1 CC to M/s.K.GOKUL, Advocate (SR-10481[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10908[F] dated 12/03/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-11193[F] dated 15/03/2021)

W.P. (MD) No. 3405 of 2020

MJ(CO)

TR(22.03.2021) 3P 6C