



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2021

CORAM:

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

AND

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

W.P. (MD) No.10727 of 2020

and

W.M.P. (MD) Nos.9452, 9453 & 12303 of 2020

B.Jebastin Arputharaj

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd., TASMAC,
CMDA Tower - II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., TASMAC,
Plot No.100, Anna Nagar,
Madurai - 625 020.

3.The District Collector,
Thoothukudi District,
Thoothukudi - 628 101.

4.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., TASMAC,
C-104, SIPCOT Industrial Complex,
Madurai - Thoothukudi Bye-pass Road,
Thoothukudi - 628 008.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order issued by the 3rd respondent in Na.Ka.X3/14637/2019 dated 22.07.2019 and the consequential impugned order passed by the 3rd respondent in his proceedings in Na.Ka.X2/14637/2019 dated 30.07.2020 and that of the 4th respondent in Na.Ka.No.A3/870/2020 dated 23.07.2020 and to quash the same and consequently, directing the respondents to close the TASMAC Shop No.10144 from the petitioner's village, viz., Kamarajar Nagar in Servaikaranmadam Village, Thoothukudi Taluk, Thoothukudi District.

For Petitioner

:

Mr.D.Srinivasa Ragavan



For Respondents :

Mr.B.Jameel Arasu,
Standing Counsel for RR.1, 2 & 4
Mr.K.P.Krishnadoss,
Special Government Pleader for R.3

ORDER

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

The petitioner seeks to challenge the orders, which, upon considering the representation made by the petitioner, indicated that there is no violation of the Tamil Nadu Liquor Retail Vending Rules, 2003.

2. On the earlier occasion, this Court directed the District Collector, Thoothukudi, to cause an inspection and file a report with respect to the alleged violation. Accordingly, a report has been filed before this Court. The report once again states there is no violation, though there are some objections by the petitioner and few others.

3. A mere objection by the petitioner and few others cannot be a factor to interfere with the orders impugned, when we do not find any violation of rules with respect to the prohibited distance. We may also add that on a mere apprehension, a public interest litigation cannot be maintained and this Court cannot conduct a roving enquiry. Suffice it to say that despite an enquiry being conducted, the decision of the TASMAL authorities found to be true.

4. In such view of the matter, this Court is not inclined to entertain this writ petition and the same is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

TO:

The District Collector,
Thoothukudi District,
Thoothukudi - 628 101.

+1 CC to M/s.SPL GP (SR-14333[F] dated 30/03/2021)

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-14576[F] dated 30/03/2021)

+1 CC to M/s.J.ASHOK, Advocate (SR-14604[F] dated 31/03/2021)

W.P. (MD) No.10727 of 2020
29.03.2021