



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.1021 of 2019

&

W.M.P. (MD)No.861 of 2019

and

W.P. (MD)No.4565 of 2019

&

W.M.P. (MD)No.3652 of 2019

Ambalam S.Kandhan Chettiar,
Kariyam M.Ayyavu Chettiar,
Vagayarakkaluku Pathiappatta Puliampatti
Maninagaram Vaniga Vaisiya Vaniyar Uravinmurai,
(Trustee Vaniyar Podhu) (Reg. No.198/2010),
Rep. by its Kariyakarar,
P.C.Muthuraj,
No.225, Madurai Road,
Aruppukottai,
Virudhunagar District. ... Petitioner in W.P.(MD)No.1021 of 2019

Vijayamallar ... Petitioner in W.P.(MD)No.4565 of 2019

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Manager,
TASMAC Limited,
Virudhunagar. ... Respondents 1 and 2 in both the petitions
- 3.Puliampatti Maninagaram Vaniga
Vaisiya Uravinmurai 5/2003,
Through its Secretary,
D.Ashokan,
S/o.Duraiaraj,
Having Office at
No.22, Mahimai Kariyalayam,
Maninagaram 2nd Street,
Aruppukottai,
Virudhunagar District.
- 4.S.Vijayapandian
5.S.Prabhurajan ... Respondents 3 to 5 in W.P.(MD)No.1021/2019



(R3 to R5 in W.P. (MD)No.1021/2019 are
impleaded vide Court order dated 26.03.2021,
made in WMP(MD) No.2030 of 2019 in WP(MD).No.1021/2019)

Prayer in both the Petitions:- Writ Petitions filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to close down the TASMAL Liquor Shop No.11803, situated in Commercial Complex No.225, Madurai to Aruppukottai Main Road, Aruppukottai, Virudhunagar District.

For Petitioner in W.P. (MD)No.
1021/2019 : Mr.T.Lenin Kumar
For Petitioner in W.P. (MD)No.
4565 of 2019 : Mr.K.R.Singara Vadivel
For Respondent No.1 in both : Mr.K.Mu.Muthu
Petitions Additional Government Pleader
For Respondent No.2 in both : Mr.H.Arumugam
Petitions Standing Counsel
For Respondents 3 to 5 in
W.P. (MD)No.1021 of 2019 : Mr.M.P.Senthil

COMMON ORDER

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

Since the issue raised in these Writ Petitions and the official respondents are one and the same, they are disposed of by this common order.

W.P. (MD)No.1021 of 2019:

2.Though the learned counsel appearing for respondents 3 to 5 raised the issue of locus, from the counter affidavit filed by respondent No.2, we find that there is no violation *per se*. We also find that there is a dispute between the petitioner and the Society with respect to the title. We only quote the following paragraph of the counter affidavit of respondent No.2:

'6.I submit that the fact remains that there is no distance violation and there is no religious or educational institution situated within the prohibited distance of 100 meters as contemplated under 'Rule 8' of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 this respondent sent proposal to the 1st respondent to open the shop as per 'Rule 9'. The 1st respondent after considering G.O.Ms.No.32, Home, Prohibition & Excise (VI) Department dated 21.05.18 and scrutinizing the records and satisfying about the non-existence of Religious and Education institution within the prohibited distance granted permission on 09.06.18 to open the TASMAL shop No.11803 in the same location and on the same day the shop was opened.'



3. In such view of the matter, Writ Petition (MD)No.1021 of 2019 is closed. In view of the order passed in W.P.(MD)No.1021 of 2019, the public interest litigation filed in W.P.(MD)No.4565 of 2019 is also closed. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Assistant Registrar (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

To

The District Collector,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-13918[F] dated 26/03/2021)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13842[F] dated 26/03/2021)

+2 CC to M/s.H.ARUMUGAM, Advocate (SR-14025[F],14024 dated 26/03/2021)

+1CC to M/s.SPL GP,SR.No.13906 dated 26/03/2021

+1CC to Mr.K.R.Singara Vadivel,Advocate, SR.No.13859 dated 26/03/2021

W.P.(MD)Nos.1021 and 4565 of 2019
25.03.2021

KUN(CO)
KB(24.05.2021) 3P 8C