



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

W.P.(MD)Nos.399, 2213 and 14667 of 2019
and W.M.P.(MD) Nos.1767/2019 and 335/2019

(Through Video Conferencing)

W.P. (MD) No.399/2019

S.Mariappan

: Petitioner

Vs.

1. The Tamilnadu State Marketing Corporation Ltd, (TASMAC)
Rep. by its Chairman and Managing Director,
Thalamuthu Natarajar Building,
Egmore, Chennai.

2. The District Collector
Collectorate,
Tirunelveli District.

3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC)
Keela Munneer pallam
Tirunelveli District.

4. The Tahsildar,
Tenkasi taluk
Tirunelveli District.

: 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 respondents to closure of the TASMAC shop along with Bar at Shop No.10897, Melapavoor to Sundarapandiyapuram Main Road, Melapavoor, Tenkasi Taluk, Tirunelveli District in violation of the Tamil Nadu Liquor Retail Vending (In shops and bars), Rules 2003.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.K.P.Krishnadoss for R1, R2 & R4
Special Government Pleader
Mr.B.Jameelarasu for R3



W.P. (MD) No.2213/2019

P.Kombaiah Pandian

: Petitioner

WEB COPY

Vs.

1. The Tamilnadu State Marketing Corporation Ltd, (TASMAC)
Rep. by its
Chairman and Managing Director,
Thalamuthu Natarajar Building,
Egmore, Chennai.
2. The District Collector
Collectorate,
Tirunelveli District.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC)
Keela Munneer pallam
Tirunelveli District.
4. The Tahsildar,
Tenkasi taluk
Tirunelveli District.

: 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 respondents to closure of the TASMAC shop along with Bar at Shop No.10/715 Melapavoor Keela Colony, Melapavoor Village, Tenkasi Taluk, Tirunelveli District in violation of the Tamil Nadu Liquor Retail Vending (In shops and bars), Rules 2003.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.K.P.Krishnadoss for R1, R2 & R4
Special Government Pleader
Mr.B.Jameelarasu for R3

W.P. (MD) No.14667/2019

Kani

: Petitioner

Vs.

1. The District Collector
Tirunelveli District.
Tirunelveli.
2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.



3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC)
Tirunelveli District.
4. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

5. Muthiah

: 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 respondents 1 to 4 to shift the TASMAC shop No.10/715 situated at Melapavoor Village, Tenkasi Taluk, Tirunelveli District to some other place near Sundarapandiapuram Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.V.Sasikumar
For Respondents : Mr.K.P.Krishnadoss for R1, R2 & R4
Special Government Pleader
Mr.B.Jameelarasu for R3

ORDER

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

W.P.(MD) No.14667 was filed by the neighbour. W.P.(MD) No.2213 and W.P.(MD) No.399/2019 have been filed styled them as Public Interest Litigations. In both the cases, the grievance is with respect to nuisance and violation of the Rules.

2. The learned counsel for the petitioner in W.P.(MD) No.14667 / 2019 submitted that he being the neighbour, the liquor shop is being run causing nuisance.

3. The learned counsel for the petitioner in W.P.(MD) No.2213 / 2019 submitted that there is violation of building Rules.

4. In the counter affidavit filed by the respondent No.3, it has been stated that both the writ petitions do not have any merit. There is no violation with respect to distance and the Public Interest Litigation has been filed out of personal motive, as there is a personal rivalry between the land owner of the building and the petitioner in W.P.(MD) No.2213/2019. It is further submitted that the shop is situated nearby a burial ground.

5. We do not find any merit in these writ petitions. Suitability is the concern of the respondent No.3. There is nothing else to discredit the averments made in the affidavit filed by him including the personal rivalry between the petitioner in W.P.(MD) No.2213/2019 and the land owner. If there is nuisance, there is no need to close the shop, but to take action, for which, an enquiry has to be contemplated. Suffice it to state that we do not find any merit to hold that there is nuisance.



6. In such view of the matter, these writ petitions stand dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

// 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

1. The Chairman and Managing Director,
Tamilnadu State Marketing Corporation Ltd, (TASMAC)
Thalamuthu Natarajar Building, Egmore, Chennai.
 2. The District Collector
Collectorate, Tirunelveli District.
 3. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
 4. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
 5. The District Manager,
Tamil Nadu State Marketing Corporation Ltd. (TASMAC)
Keela Munneer pallam, Tirunelveli District.
 6. The Tahsildar,
Tenkasi Taluk, Tirunelveli District.
- + 2 CC to Mr.I.PINAYGASH, Advocate (SR-8223, 8224[F] dated 02/03/2021)
+ 1 CC TO Mr.V.SASIKUMAR, ADVOCATE IN SR No. 8280
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 8149

RR

TE : 16/03/2021 : 4P/11C

Order made in
W.P.(MD)Nos.399, 2213 and 14667 of 2019 and
and W.M.P.(MD) Nos.1767/2019 and 335/2019
Dated: 01.03.2021