



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.5773 of 2019

and W.M.P(MD) No.4546 of 2019

(Through Video Conferencing)

P.Ramasamy

... Petitioner

Vs.

1.The District Collector,
Trichy.

2.The District Manager,
TASMAC Trichy

... 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 close down the TASMAC shop No.10568 at Nallampillai Village, Manapparai Taluk, Trichy District at once.

For Petitioner : Mr.P.Ganapathi Subramanian

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

ORDER

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

This writ petition has been filed seeking a direction to the respondents to close down the TASMAC shop being situated within the prohibited distance.

2.The learned counsel for the petitioner submitted that the shop in question is within 50 meters of the famous temple standing in the name of "Ponnar Shankar".

3.In the affidavit filed by the respondent No.2, the following submission has been made:

"5.It is further submitted that the shop is shifted by following Rule 8(1) of Tamilnadu Liquor Vending (Bars and Shops) Rules 2003 and also the guidelines issued from time to time by the Hon'ble Apex Court as well as our Hon'ble High Court. There is no religious institution, educational institution within the prohibited distance of the said shop. Hence there is no statutory violations in locating the said shop. Distance of temple, school, etc.



- 1.Ponnarsangar temple 168.43 metres distance
- 2.Mariamman temple 151.31 metres distance
- 3.Mahamuni temple 147 metres distance
- 4.Periakandiamman temple 420 metres distance

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These above temples are not situated within the prohibited distance. There is no school or hospital, worship place, within 100 metres. Hence the question of violation regarding the distance of religious and educational institution does not arise. Hence the present location of shop identified by us as per the norms and procedures as prescribed in the above said rules and also apex Court judgments.

6. It is further pertinent to mention that the above shop has been located at the present address more fully when the wife of the petitioner has been elected as village panchayat for five years ie. 2011 - 2016. At that particular period only the above shop was opened.

4.In view of the aforesaid affidavit, the writ petition deserves to be dismissed. Apart from the fact that there is no merit involved, the petitioner, who maintained silence during the tenure of his wife, thereafter the wisdom drawn, has filed the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The District Collector,
Trichy.

2.The District Manager,
TASMAC Trichy.

+1 CC to SPL GP (SR-5355[F] dated 16/02/2021)

W.P. (MD)No.5773 of 2019

Dated: 15.02.2021

(SV2)

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