



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

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

THE HONOURABLE MRS. JUSTICE S.ANANTHI

**W.P. (MD)No.18311 of 2020
and W.M.P. (MD) No.15295 of 2020
(Through Video Conferencing)**

M.Rajeswari Priya : Petitioner

Vs.

1.The Secretary,
Prohibition and Excise Department
Fort St. George, Chennai.

2.The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
4th floor, CMDA Tower - II
Egmore, Chennai.

: Respondents

(R1 is substituted with this cause title vide order
dated 14.12.2020)

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 concerned,

(1) To take immediate and all necessary steps to prevent corruption involved in all TASMAC, retail vending liquor outlets functioning across the State of Tamil Nadu, by strictly prohibiting sale of liquors more than Maximum Retail Price (MRP), by providing computerized bill/receipt, by implementing point of sale (POS) facility and by prohibiting sale of fake/unaccounted/unlicensed/illegal alcohol to their customers,

(ii) to lock and seal the particular shop/unit upon its non compliance to the relief no.(i) sought above,

(iii) to widely spread public awareness about the deleterious effects of alcohol in all possible means and in like manner of majority benefitting forthcoming younger generation,

(iv) to uplift alcohol prohibition step by step in near future and thereby to prevent its fellow citizens succumbing to injuries,

(v) to strictly abide and practically implement all laws in this regard rather than keeping it remain only on papers.

For Petitioner : Mr.A.K.Hemaraj



For Respondents : Mrs.J.Padmavathi Devi for R1
Special Government Pleader
Mr.B.Jameelarasu for R2

ORDER

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

The present writ petition has been filed by the petitioner seeking various directions from this Court with respect to irregularities that have been committed at the TASMAL retail vending liquor outlets across the State.

2.On the queries raised by this Court, an affidavit has been filed by the respondent No.2 on the action taken thus for.

3.The learned counsel for the petitioner emphasized that there is non compliance of Rule 14(2) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules 2003 (hereinafter referred to as 'the Rules'), which speaks of fixation of retail sale price to be sold at the retail vending shops, as fixed by the Corporation. The said Rule also mandates that such prices shall be displayed at a conspicuous place in front of the shop for the information of the public. Though the learned counsel for the respondent No.2 submitted that the same is being followed, the report does not suggest the same.

4. In such view of the matter, we are inclined to direct the respondent No.2 to comply with the mandate of Rule 14 of the Rules. As stated, this rule makes it abundantly clear that liquor was only be sold at the Maximum Retail Price fixed by the Corporation. It is an admitted fact that numerous complaints have been followed by action taken over the excess price charged. This problem can be solved by issuing bills for every sale that is being made at the retail vending shop by the officials of the respondent No.2.

5. Secondly, adequate display will have to be made indicating the maximum retail prices of liquor, so that the intending purchaser would know the same and therefore, will not pay the excess amount.

6. Accordingly, we direct the respondent No.2 to issue a circular to all the District Level Officers to strictly comply with Rule 14 of the Rules 2003. Resultantly, periodical inspection will have to be made on the aforesaid compliance, which would include issuance of bills and receipts, while issuing the counterfoils indicate the actual price of the liquor along with incidental tax that might arise.

7. We further direct the respondent No.2 to indicate in the circular that those employees, who do not comply with the mandate of



Rule 14 and apart from enriching themselves by over-pricing the liquor, would face departmental proceedings.

8. The writ petition stands disposed of with the above directions. No costs. Consequently connected Miscellaneous Petition is closed.

9. Post the matter 'for reporting compliance' on **16.03.2021** of our direction and the resultant action taken.

Sd/-

Assistant Registrar (C-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 Secretary,
Prohibition and Excise Department
Fort St. George, Chennai.

2.The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
4th floor, CMDA Tower - II
Egmore, Chennai.

+1 CC to SGP (SR-1870[F] dated 22/01/2021)

**Order made in
W.P. (MD)No.18311 of 2020
Dated: 21.01.2021**

KM (02.02.2021) 3P 4C