



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

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

**W.P. (MD)No.26229 of 2019 and
WMP(MD) No.22654 of 2019
(Through Video Conferencing)**

A.Kalimuthu : Petitioner
Vs.

1.The District Collector
Dindigul District.

2.The Assistant Commissioner (Excise)
O/o. Excise Department
Dindigul District.

3.The General Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
Dindigul District.

4.Bala Shanmugam : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to close down and shift the S.No.3114 TASMAC WINE SHOP and BAR situated at Dindigul-Palani Highways, Nearer to Holy Cross School, Ramayanpatti, Dindigul District.

For Petitioner : Mr.S.Vanchinathan
For Respondents : Mr.K.P.Krishnadoss for R1&R2
Special Government Pleader
Mr.H.Arumugam for R3
Standing Counsel

ORDER

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

Placing reliance upon the photographs filed, the learned counsel for the petitioner submitted that the TASMAC shop is nearer to the existing school.

2.Placing reliance upon the counter affidavit filed by the respondent No.3, the learned counsel for the respondent No.3 submitted that the school is situated 430 meters away from the



TASMAC shop and therefore, there is no violation. Secondly, it is submitted that bar license has been cancelled.

3.We do not find any merit in this writ petition. The petitioner is not able to produce any material to show that the liquor shop situated is within the prohibited distance including the school. The resolution passed by the panchayat will not bind the respondents.

4.Though the learned counsel for the respondent No.3 submitted that the writ petition itself is motivated, we are not inclined to go into the same, as even on merits, we do not find any reason to entertain this writ petition. Accordingly this writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// 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 District Collector
Dindigul District.

2.The Assistant Commissioner (Excise)
O/o. Excise Department
Dindigul District.

3.The General Manager,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
Dindigul District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-11374[F] dated 16/03/2021)

+1 CC to M/s.SPL GP (SR-11533[F] dated 16/03/2021)

W.P. (MD)No.26229 of 2019

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ES (CO)