



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.4752 of 2022

Cheran Foundation Trust
Represented by Administrative Officer
Cherraan Towers,
78- Government Arts College Road,
Coimbatore 641 018.

...Petitioner

Vs

1. The Managing Director,
TASMAC LTD,
4th Floor, CMDA Tower-II
Egmore, Chennai- 600 008.
2. The Collector,
District Collector Office,
7/1, State Bank Road, Gopalapuram,
Coimbatore- 641 018.
3. The Regional Manager,
TASMAC LTD,
305A, Vilankurichi Road,
Peelamedu Railway Station Back Side,
Chintamani Co-operative Society Depot,
Peelamedu, Coimbatore 641 004

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to close down or relocate TASMAC Shop No.1680, Coimbatore situated at Telungupalayam Pirivu, Priya Nagar, Selvapuram South, Coimbatore, Tamil Nadu-641 008.

For Petitioner : Mr.Avinash Wadhwani
for Mr.V.Raghavachari

For Respondents : Mr.K.Sathish Kumar
(R1 & R3) Standing Counsel

For Respondent : Mr.S.Ravichandran
(R2) Additional Government Pleader



O R D E R

The prayer sought for herein is for a writ of mandamus directing the respondents to close down or relocate TASMAC Shop No.1680, Coimbatore situated at Telungupalayam Pirivu, Priya Nagar, Selvapuram South, Coimbatore, Tamil Nadu - 641 008.

2.The petitioner is an Educational Institution's management which runs Colleges of Physiotherapy, Pharmacy and Nursing, where, number of girl students are studying. However, the TASMAC Shop No.1680 is located in less than 100 kilometers from the institution, whereby, there has been a continuous alleged eve-teasing of those who come to the TASMAC Shop against the girl students of the institution. Therefore, on that ground, the petitioner had sent request after request to the 2nd respondent/District Collector and the last such request was made on 22.10.2021 to shift the TASMAC Shop to some other place not nearer to the Educational Institution because of this nuisance which everyday the girl students of the institution run by the petitioner are facing.

3. Since the said request has not so far been considered by the 2nd respondent/District Collector, he has moved the present writ petition with the aforesaid prayer.

4.Heard Mr.Avinash Wadhwani, learned counsel appearing for the petitioner, who reiterated the aforesaid and seeks indulgence of this Court.

5.Heard Mr.S.Ravichandran, learned Additional Government Pleader appearing for the 2nd respondent and Mr.K.Sathish Kumar, learned Standing Counsel appearing for respondents 1 and 3.

6.Since the request to shift the TASMAC Shop, the location of which, according to the petitioner, is in violation of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, especially under Rule 8(1), for which, he has made representation and the last such representation, he has made on 22.10.2021, the same can very well be considered by the respondents, especially, the 2nd respondent who is the Authority to decide the location and de-location of the TASMAC Shop.

7.Mr.K.Sathish Kumar, learned Standing Counsel appearing for the TASMAC has submitted that, the Rule has been amended in this regard and if any objection has come from the public, that can be considered by the Authority concerned viz., District Collector. The Educational Institution being the public institution, since has given objection especially on the ground that, the girl students studying in the institution are to face this ordeal almost everyday at the hands of the persons who love to have the liquor in the shop concerned, the said objection being raised by the Educational Institution or its management on behalf of number of students can be treated as an objection from



the public and accordingly, the same can be considered by the 2nd respondent/District Collector.

8. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the 2nd respondent/District Collector to consider the representation of the petitioner on 22.10.2021 and decide the same objectively after giving an opportunity of being heard to the petitioner and pass orders thereon with regard to the relocation of the TASMAL Shop No.1680 within a period of four weeks from the date of receipt of a copy of this order.

9. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Managing Director,
TASMAL LTD,
4th Floor, CMDA Tower-II
Egmore, Chennai- 600 008.
2. The Collector,
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Chintamani Co-operative Society Depot,
Peelamedu, Coimbatore 641 004.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.14526

+1cc to the Government Pleader, S.R.No.15039

W.P. No.4752 of 2022

PMK (CO)
RGA (17/03/2022)