



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2022

CORAM:

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY, J

W.P.NO.12665 OF 2022
AND W.M.P.NO.12117 OF 2022

Bhuvaneshwari Nagar & VGP Selva Nagar
Resident Welfare Association,
Represented by its President, Mr.Balashanmuga Sekar,
No.51, 1st Main Road, VGP Selva Nagar,
Velachery, Chennai - 600 042. ...Petitioner

Vs

- 1.The District Collector,
4th Floor, Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate,
Chennai - 600 001.
- 2.Commissionerate of Prohibition and Excise Department,
Government of Tamil Nadu,
Chepauk, Chennai 600 005.
- 3.The Senior Regional Manager,
TASMAC Ltd., No.735.
4th Floor, L.L.A. Building,
Anna Salai, Chennai - 600 002.
- 4.The District Manager,
TASMAC, Chennai (South), IMFS Depot,
TASMAC Ltd., TASCOT Unit, B4 Flats,
Industrial Estate, Ambattur,
Chennai - 600 058. ...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first to third respondents not to Approve or Open or Operate any liquor shop with or without attached bar in the residential locality concerning the petitioner's Association.

For Petitioner : Mr.Lakshmi Kumaran
and Sridharan Attorneys

For Respondents : Mr.C.Jayaprakash,
1 & 2 Government Advocate



For Respondents : Mr.P.Arumugharajan,
3 & 4 Standing Counsel

O R D E R

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The petitioner seeks a direction to respondents 1 to 3 not to approve or open or operate any liquor shop in the residential locality in respect of which the petitioner Association was formed.

2. The petitioner states that Bhuvaneswari Nagar and VGP Selva Nagar in Velachery are residential areas in which about 1300 families reside. The present writ petition is filed on the basis of information gathered by the petitioner that a liquor retail outlet is proposed to be established at No.222, Bhuvaneswari Nagar at Velachery. The petitioner asserts that the establishment of a liquor shop at the proposed location would violate applicable rules and the fundamental rights of the members of the petitioner Association.

3. Mr.P.Arumugharajan, learned Standing Counsel, accepts notice for respondents 3 and 4 and Mr.C.Jayaprakash, learned Government Advocate, accepts notice for respondents 1 and 2.

4. As per the amended Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules 2003, no application either to locate or re-locate a liquor shop may be approved by the District Collector unless the objections raised in such regard have been considered and disposed of. Therefore, the statutory rules in force provide adequate protection to the petitioner.

5. Accordingly, W.P.No.12665 of 2022 is disposed of by directing the first respondent to consider the petitioner's representations dated 15.03.2022 and 11.04.2022 and dispose of the same by a reasoned order before taking a decision on the establishment of a liquor retail vending outlet at Bhuvaneswari Nagar at Velachery. Consequently, W.M.P.No.12117 of 2022 is closed. No costs.

Sd/-

Assistant Registrar
(Vacation Officer)

// True Copy //

Sub Assistant Registrar

rna/nr



To

1.The District Collector,
4th Floor, Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate,
Chennai - 600 001.

2.Commissionerate of Prohibition and Excise Department,
Government of Tamil Nadu,
Chepauk, Chennai 600 005.

3.The Senior Regional Manager,
TASMAC Ltd., No.735.
4th Floor, L.L.A. Building,
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4.The District Manager,
TASMAC, Chennai (South), IMFS Depot,
TASMAC Ltd., TASCO Unit, B4 Flats,
Industrial Estate, Ambattur, Chennai - 600 058.

+1cc to the Government Pleader Sr.No.31478

+1cc to M/s.Lakshmi Kumaran, Advocate, Sr.No.31494
[27/05/2022]

W.P.No.12665 of 2022
and
W.M.P.No.12117 of 2022

RK(CO)
RVM(16/05/2022)