



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.11967 of 2022

M.P.K.Venkatesh

.... Petitioner

Vs

1.The Secretary to Government,
Home and Prohibition Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Salem Collectorate,
Salem.

3.The Commissioner,
Salem Corporation,
Salem.

4.The Senior Regional Manager,
TASMAC,
No.56, Brindavan Road,
Fairlands, Salem-636 106.

5. The District Manager,
TASMAC,
Salem.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 5 to shift the TASMAC wine shops No. 7111, 7167 situated in address to somewhere else based upon the petitioner's online complaint dated 07.06.2021.

For Petitioner : Mr.M.Manimaran

For Respondents : Mrs. Anitha

Special Govt. Pleader for R1 to R3

Mr.Sathishkumar for R4 & R5



O R D E R
(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has come up with this public interest litigation styled as writ petition seeking a mandamus, directing the respondents to shift the TASMAL shops bearing Nos.7111 and 7167 situated at Sooramangalam, Salem, to some other place, based on his online complaint dated 07.06.2021.

2.It is the grievance of the petitioner that the 5th respondent had opened the subject TASMAL shops, which are causing nuisance to the general public and are located within the radius of 90 metres from the SHU -80, as evident from the proceedings of the Assistant Engineer, Construction and Maintenance, Highways, Salem-7, in Na.Ka.No.Sandru/2017/U.Po/ dated 07.04.2017. Therefore, the petitioner sent a legal notice dated 04.05.2017 to the respondents 2 to 5, requesting to shift the shops to some other place, but the same was not responded. Subsequently, he made a written request to the second respondent on 23.10.2018 in this regard. Though the second respondent by a proceedings in Na.Ka.No.01/2018/C2 dated 25.10.2018, directed the fifth respondent to take appropriate action on the petitioner's request, no action was taken. Thereafter, the petitioner made an online complaint on 07.06.2021 to the Chief Minister's Public Grievance Cell and he received a reply to the effect that steps were taken and once the alternative sites are identified, the subject TASMAL shops will be shifted. However, till date, no shifting of the shops was taken place. Therefore, this writ petition.

3.Heard both sides and perused the materials available on record.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the respondent authorities to consider the claim of the petitioner, relating to shifting of TASMAL shops bearing Nos.7111 and 7167, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar



KST/RPP
To

1.The Secretary to Government,
Home and Prohibition Department,
Fort St. George,
Chennai-600 009.

2.The District Collector, Salem Collectorate, Salem.

3.The Commissioner, Salem Corporation,
Salem.

4.The Senior Regional Manager, TASMAC,
No.56, Brindavan Road,
Fairlands, Salem-636 106.

5. The District Manager, TASMAC,
Salem.

+1 cc to Government Pleader Sr.NO. 31296

W.P.No.11967 of 2022

NRL (CO)

A.SK(25/05/2022)