



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12441 of 2022
and W.M.P.No.11905 of 2022

R.Prithiviraj ..Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Senior Regional Manager,
TASMAC Ltd.,
No.56, Brindavan Road, Fairlands,
Salem District, Salem - 636 016.

3.The District Manager,
TASMAC Ltd.,
87/5, Santhiyur,
S.Attayampatti Village,
Salem District - 636 203.

..Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from establishing a wine shop in Survey No.98/5A, Moolakadai, Panagadu via, Pappampadi Village, Omalur Taluk, Salem District by way of relocation.

For Petitioner : Mr.N.Kolandaivelu
For Respondents: Mr.C.Jayaprakash
Government Advocate for R1

Mr.K.Sathish Kumar
Standing Counsel for R2 & R3

ORDER

The petitioner seeks a direction to prevent the respondents from establishing a wine shop at the location specified in the petition.

2. The petitioner asserts that there are three wine shops in the relevant village. According to the petitioner, the proposed wine shop is within a distance of 72 metres from a temple. It is also alleged that it is 150 metres from the



National Highways. In spite of submitting a representation on 25.04.2022, it is stated that no action was taken thereon.

3. Mr.C.Jayapraksh, learned Government Advocate, accepts notice for the 1st respondent and Mr.K.Sathish Kumar, learned Standing Counsel, accepts notice for the respondents 2 and 3.

4. On instructions, they submit that the amended Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules 2003, mandate that objections to the establishment of a wine shop should be considered and disposed of before approval is granted for the establishment of the shop. Therefore, they state that the petitioner is fully protected.

5. Accordingly, W.P.No.12441 of 2022 is disposed of by directing the first respondent to consider the representation, dated 25.04.2022, in accordance with the extant Rules and dispose of the same before granting approval including for relocation of the proposed shop. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(v.o)

//True Copy//

Sub Assistant Registrar

Pns/Dua

To

1.The District Collector,
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TASMAC Ltd.,
87/5, Santhiyur,
S.Attayampatti Village,
Salem District - 636 203.

+1 cc to Mr.N.Kolandaivelu, Advocate Sr.NO. 31377
+1 cc to Government Pleader Sr.NO. 31475

W.P.No.12441 of 2022

RR(CO)
A.SK(16/05/2022)