



WEB COPY



W.P.No.29693 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.29693 of 2022

R.Krishnaveni

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Secretary,
(Department of Prohibition and Excise),
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Salem District,
Salem.
- 3.The Commissioner,
Prohibition & Excise Department,
Chepauk, Ezhilagam,
Chennai – 600 005.
- 4.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC),
2/92, Sathiyur Village, S.Attayampatti Post,
Salem – 636 203.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the 4th Respondent to Conduct
an enquiry and pass appropriate orders on the petition dated 19.4.2022 of the



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Petitioner within a time frame and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Ms.Vasudha Thiagarajan

For Respondents : Mr.R.U.Dinesh Rajkumar (for R1 to R3)
Additional Government Pleader

Mr.M.Sekar (for R4)
Standing Counsel

ORDER

Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for R1 to R3 and Mr.M.Sekar, learned Standing Counsel accepts notice for R4 and both are armed with instructions to enable this Court to dispose the matter finally, even at the stage of admission.

2. The petitioner is a senior citizen and claims to be a resident of KN Colony Post, Bypass Road, Salem. She is aggrieved by the opening of, and functioning of TASMACH Shops bearing Shop Nos.7254 and 7236 at Udayapatti Bye-pass Road, opposite to Sarathy Petrol Bunk (shops/shops in question). She would state that the shops in question had been opened in April, 2021 in a residential area abutting Ammapet Bye-pass Road, which is maintained by the National Highways Authority of India, very proximate to NH-179-A.



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3. According to the petitioner, there have been several untoward incidents and great prejudice caused not just to the residents in that area, but also to the vehicles that commute on the highway.

4. Though, there is a bar attached to the shop, the consumption of liquor is in the open and the empty liquor bottles, remains of the snacks and water bottles are strewn all over the place.

5. The petitioner appears to have filed a petition on 19.04.2022 before the Directorate of Vigilance and Anti-Corruption, that has, on 28.04.2022 conveyed to the petitioner that the petition had been forwarded to the attention of the Managing Director, Tamil Nadu State Marketing Corporation for necessary action.

6. The shops in question have been functioning for over a year, one wonders why the petitioner has allowed the shops to function this long without raising any objection. However, having said, the location of the TASMALC shops are required to be in consonance with the conditions set out under Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, (in short 'Rules').

7. Thus, notwithstanding on the position that the petitioner has filed the objection only in April 2022, it is for the authorities to look into the same and ensure that the location of the shops is in compliance with the Rules. Let the representation of the petitioner, which has, admittedly, been received by R4, be



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Dr.ANITA SUMANTH,J.

disposed within a period of four (4) weeks from date of receipt of a copy of this order, after hearing the petitioner.

8. This Writ Petition is disposed as above. No costs.

10.11.2022

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Index : Yes / No

Speaking Order

To

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