



W.P.No.31597 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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Sengamalam

.. Petitioner

Vs

- 1 The District Collector
Cuddalore District
Cuddalore.
- 2 The District Manager
TASMAC, Cuddalore District
Cuddalore.
- 3 The Revenue Tahsildar
Veppur Taluk office
Cuddalore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to consider the representation of the petitioner dated 07.11.2022 to relocate the liquor shop No.2685 situated in Cheppakkam, Veppur Taluk, Cuddalore District in accordance with law.



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For the Petitioner : Mr.J.Jayasuriya

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for respondents 1 and 3

: Mr.C.Ramesh
Standing Counsel
for 2nd respondent

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Sengamalam, son of Manikakonar, has come this court seeking issuance of a writ of mandamus under Article 226 of the Constitution of India directing the first respondent to consider the representation of the petitioner dated 7.11.2022 to relocate the liquor shop No.2685 situated in Cheppakkam, Veppur Taluk, Cuddalore District, in accordance with law.

2. Learned counsel for the petitioner stated that the TASMAL shop in question is located within 160 metres from the National Highway (NH-45), Chennai-Trichy, and it is falling within the limits of local authority and as per the orders passed by this Court as well as the Supreme Court, the TASMAL shops should be located at least 500



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metres away from highway. Inasmuch as the liquor shop in question is located within the prohibited distance, the petitioner sent a representation to the first respondent on 7.11.2022 making a request to relocate the liquor shop in question to any other place. As the said representation did not evoke any response till date, the petitioner has approached this court.

3. Mrs.R.Anitha, learned Special Government Pleader, entered appearance on behalf of respondents 1 and 3. Mr.C.Ramesh, learned Standing Counsel, appeared on behalf of the second respondent.

4. Mr.C.Ramesh, learned Standing Counsel appearing for the second respondent, submitted that though initially the distance of 500 metres from the outer edge of the National or State Highway or of a service lane along the highway was mandated, by virtue of the Circular bearing F.No.RW/NH-33044/309/2016/S&R(R), dated 1.6.2017, the distance of 500 metres has been reduced to 220 metres. In any event, he submitted that the first respondent may be directed to consider the representation of the petitioner dated 7.11.2022 and pass appropriate orders after measuring the distance of the TASMAL shop



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from the highway.

In view of the submissions made on either side, we dispose of the writ petition with a direction to the first respondent to consider the representation of the petitioner dated 7.11.2022 and pass appropriate orders on merits and in accordance with law within four weeks from the date of receipt of a copy of this order, of course after measuring the distance of the TASMAL shop from the highway. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
28.11.2022

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T.RAJA, ACJ.
AND
D.KRISHNAKUMAR,J.

(sasi)

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