



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.9753 of 2022
and
W.M.P. (MD) No.6987 of 2022

Suresh Kumar

... Petitioner

-VS-

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Towers-2, 4th Floor,
Gandhi Irwin Bridge Road, Egmore, Chennai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Nanjikotai Road, SIDCO, Thanjavur.

4.The Assistant Commissioner of Excise,
Thanjavur,
Department of Prohibition and Excise,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the 1st respondent to not approve the establishment/commencement of a liquor vending shop at Plot No.14, 15 and 16 in Survey No.13/2D & 184/2, Lee Lee Nagar, Arasur Village, Thanjavur District by considering the petitioner's statutory objection dated 09.04.2022 in terms of Rule 8(3) of the Tamil Nadu Liquor Retail Vending (In shops and bars) Rules, 2003 and consequently direct the respondents 1 and 4 to ensure that the liquor vending shop is not operated till a final order is made in the said application.



For Petitioner : Mr.M.Mahaboob Athiff

For R1 & R4 : Mr.M.Siddharthan
Additional Government Pleader

For R2 & R3 : Mr.H.Arumugam
Standing Counsel

O R D E R

[Order of the Court was made by KRISHNAN RAMASAMY, J.]

By consent, this writ petition is taken up for disposal at the admission stage itself.

2. The writ petition is filed as Public Interest Litigation to direct the first respondent not to approve the establishment of liquor vending shop in survey Nos.13/2D and 184/2, Lee Lee Nagar, Arasur Village, Thanjavur District, based on the petitioner's objection dated 09.04.2022.

3. It is the grievance of the petitioner that the first respondent is proposed to set up a liquor shop in violation of the Government Order issued by the Central Government, dated 01.06.2017 and also in violation of the judgment of the Hon'ble Supreme Court in C.A.Nos.12164-12166 of 2016 (**State of Tamil Nadu vs. K.Balu**). Proposed/establishment of a TASMAL shop in the aforesaid survey number would cause prejudice to the general public, as it is proposed to establish near the National Highway and temples and as such nuisance is caused to the general public and the vehicles crossing the National Highway. In this regard, the petitioner made his objections. Since no action has been taken on the said objections, the petitioner is before this Court with the present writ petition.

4. Heard Mr.M.Mahaboob Athiff, learned counsel for the petitioner; Mr.M.Siddharthan, learned Additional Government Pleader for respondents 1 and 4; and Mr.H.Arumugam, learned Standing Counsel for respondents 2 and 3.

5. Considering the relief sought for in the writ petition, without going into the merits of the matter, the respondents are directed to consider objections dated 09.04.2022 raised by the petitioner and dispose of the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.



6. The writ petition is disposed of with the above direction.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS I)

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// True Copy //

/ /2022
Sub Assistant Registrar (CS)

abr/RR

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Towers-2, 4th Floor,
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- 3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Nanjikotai Road, SIDCO, Thanjavur.
- 4.The Assistant Commissioner of Excise,
Thanjavur,
Department of Prohibition and Excise,
Thanjavur District.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-23702[F] dated 12/05/2022)
+1 CC to M/s.SPL.GP (SR-23698[F] dated 12/05/2022)

W.P.(MD) No.9753 of 2022
11.05.2022

MGJ(19.05.2022) 3P 7C