



W.P.No.178 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.178 of 2019

A.Muthukumar

.. Petitioner

Vs.

1. The District Collector
Salem District
Salem.
2. The Sub Collector/Revenue Divisional Officer
Mettur Revenue Division
Mettur Dam
Salem District.
3. The District Manager
Tasmac Limited
Salem District
Salem.
4. The Sub Inspector of Police
Nangavalli Police Station
Nangavalli
Mettur Taluk
Salem District.



W.P.No.178 of 2019

WEB COPY

5. The Managing Director
Tamil Nadu State Marketing and
Corporation Ltd.
CMDA Tower II, IV Floor
Gandhi Irwin Road
Egmore, Chennai 600 008.

.. Respondents

[R5 suo motu impleaded vide
order dated 07.01.2019]

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the respondents and their subordinates from running/establishing the Tasmac Shop No.7463 at Vanavasi Arasamara Bus Stop, Vanavasi village, Mettur Taluk, Salem District based on the representation of the petitioner dated 07.12.2018.

For the Petitioner : Mr.M.R.Jothimanian

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1, 2 & 4

Mr.K.Sathish Kumar
for Respondents 3 & 5

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.M.R.Jothimanian, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader for the



W.P.No.178 of 2019

WEB COPY

respondents 1, 2 and 4 and Mr.K.Sathish Kumar, learned counsel for the respondents 3 and 5.

2. Learned counsel for the petitioner submits that Shop No.7463 at Vanavasi Arasamara Bus Stop, Vanavasi village, Mettur Taluk, Salem District is situate within 220 meters from the Highway. So, also at a very short distance from Soundamman Kovil. The Government Polytechnic College and the Girls Government Higher Secondary School are also situated in the nearby vicinity. The said Tasmac Shop is opened within the prohibited area.

3. On 07.03.2019, this Court taking note of the objection raised by learned counsel for the petitioner to the inspection report filed by the Assistant Commissioner, Prohibition Excise, Salem District, directed the District Collector, Salem to file affidavit as to actual location of the Tasmac Shop No.7483. That apart, according to the respondent authorities, shop No.7463 is not situated in that locality and Shop No.7483 is in the said locality.



W.P.No.178 of 2019

WEB COPY

4. The counter affidavit is filed by the District Collector thereafter. The said counter affidavit reads thus:

"The shop is located in the following location.

1. One Government Higher Secondary School in Vanavasi is located 450 meters away from this Tasmac Shop No.7483.

2. One Girls Government Higher Secondary School Vanavasi is located One Kilometer is away from the said Tasmac Shop

3. One Government Poly Technic College in Vanavasi is located one Kilometer away from the said Tasmac shop.

4. The said shop is located 230 meters away from State Highways (Mechari to Sankari Road).

5. The Said shop is located 650 meters away from one Soundamman Kovil.

6. The distance from Tasmac shop No.7191 to Tasmac shop No.7483 is 4 kilometers.

7. The distance from Tasmac shop No.7192 to Tasmac shop No.7483 is 6 kilometers.

I humbly submit that there is no violation of G.O.Ms.No.32 dated 21.05.2018 and Guidelines contemplated in Tamilnadu Liquor License and Permit Rules, 1981 and Tamil Nadu Liquor Retail



W.P.No.178 of 2019

Vending (in Shops and Bars) Rules, 2003. Hence, I pray the Honourable High Court Madras to allow the said shop No.7483 to function."

5. In the light of the above, this Court would not conclude that the Tasmac shop is situated within the prohibited area. Moreover, malafides are not attributed against the authorities concerned.

6. In the light of that, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.188 of 2019 is closed.

7. The original file, produced earlier, is returned back to learned counsel for the Tasmac.

(S.V.G., CJ.)

(D.B.C., J.)

09.11.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl



W.P.No.178 of 2019

WEB COPY

To

1. The District Collector
Salem District
Salem.
2. The Sub Collector/Revenue Divisional Officer
Mettur Revenue Division
Mettur Dam
Salem District.
3. The District Manager
Tasmac Limited
Salem District
Salem.
4. The Sub Inspector of Police
Nangavalli Police Station
Nangavalli
Mettur Taluk
Salem District.
5. The Managing Director
Tamil Nadu State Marketing and
Corporation Ltd.
CMDA Tower II, IV Floor
Gandhi Irwin Road
Egmore, Chennai 600 008.



WEB COPY



W.P.No.178 of 2019

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

(kpl)

W.P.No.178 of 2019

09.11.2023