



W.P.No.21580 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.21580 of 2023

1. M.Arasakalai
2. S.Sridhar
3. G.Selvaraj

.. Petitioners

Vs.

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.
2. The Commissioner
Prohibition and Excise Department
Cheppakkam
Chennai 05.
3. The Managing Director
Tamilnadu State Marketing Ltd.
CMDA Building
Tower-II, Gandhi Irwin Bridge Road
Egmore, Chennai 8.
4. The District Collector
Tiruppur District
Tiruppur.



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5. The Senior Regional Manager
Tamilnadu State Marketing Corporation
Coimbatore.
6. The District Manager
Tamilnadu State Marketing Corporation
Tiruppur.
7. The Commissioner
Udumalaipettai Municipality
Tiruppur District.
8. Chidambaranathan
9. Vijayakumar .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 7 to remove the TASMAR shop No.2009 and a bar attached thereto, from Pasupathi Street, 12th Ward, Udumalaipettai Municipality, Tiruppur District and relocate the same at any far off unobjectionable place, consequently direct the respondents 1 to 7 to ensure that the respondents 8 and 9 to clean and desilt the Holy Well attached with Arulmighu Sundara Vinayagar Temple, Anusam Nagar, Udumalaipettai Municipality, Tiruppur District on their cost within the time frame to be fixed by the Hon'ble Court.



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For the Petitioners : Mr.S.Balamurugan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondents 1, 2 & 4

Mr.G.Sekar
Standing Counsel
for Respondents 3, 5 & 6

Mr.B.Anand
Standing Counsel
for Respondent-7

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Balamurugan, learned counsel for the petitioners, Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents 1, 2 & 4, Mr.G.Sekar, learned Standing Counsel for the respondents 3, 5 & 6 and Mr.B.Anand, learned Standing Counsel for the seventh respondent.



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2. This public interest litigation is filed for a relief to close down the TASMAC shop.

3. Learned counsel for the petitioners submits that the TASMAC shop is located in a residential area and in close proximity to the temple.

4. If the petitioners have any grievance with regard to the location of the TASMAC shop, the petitioners can approach the District Collector in that regard under Rules 8 and 9 of the Tamil Nadu Liquor Retail Vending (Shops and Bars) Rules, 2003.

5. The said aspect is also considered in the judgment of the Full Bench of this Court in ***K.Ramachandran v. The District Collector*** [W.P.(MD) Nos.11806 of 2017 and other connected cases dated 14.02.2022].

6. In the light of that, the petitioners may avail the remedy as may be permissible under law. The public interest litigation, as such, is



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dismissed. There will be no order as to costs. Consequently, W.M.P.No.20952 of 2023 filed by the petitioners to permit them to file a single writ petition stands allowed and disposed of. W.M.P.No.20953 of 2023 is dismissed.

(S.V.G., CJ.)

(P.D.A., J.)

24.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
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