



W.P.No.13134 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
and

THE HONOURABLE MRS.JUSTICE **R.KALAIMATHI**

W.P.No.13134 of 2024
and W.M.P.No.14276 of 2024

D.Jayakumar

.. Petitioner

Vs.

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Assistant Commissioner,
Prohibition and Excise,
O/o Tiruppur Collectorate,
Tiruppur, Tiruppur District.

3.The District Manager,
Tamil Nadu Marketing Corporation Limited,
TASMAC Tiruppur District.
Tiruppur, Tiruppur District.

4.The Inspector of Police,
Kudimangalam Police Station,
Kudimangalam, Udumalaipet Taluk,
Tiruppur District.

..Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus forbearing the respondents



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and their subordinates from establishing / running the Tasmac Shops / Elite Liquor Bars at Pedappampatti Four Road, Somavarampatti Village panchayat, Udumalaipet Taluk, Salem District and consequently direct the first respondent to consider the objections of the villagers dated 04.01.2024.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.P.Ganesan,
Addl. Govt. Pleader for R1
Mr.M.Sekar,
Standing Counsel for R2 & R3
Mr.A.Gokulakrishnan,
Addl. Public Prosecutor for R4

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA,J.]

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition to forbear the respondents and their subordinates from establishing / running the Tasmac Shops / Elite Liquor Bars at Pedappampatti Four Road, Somavarampatti Village panchayat, Udumalaipet Taluk, Tiruppur District and consequently direct the first respondent to consider the objections of the villagers dated 04.01.2024.



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3. The brief facts of the case are that the petitioner is the resident of Somavarampatti Village Panchayat, Udumalaipet Taluk and since the third respondent made an attempt to open TASMAC shop elite bar at Pedappampatti Four Road, Somavarampatti Village Panchayat, without any permission from the first respondent, the villagers made an objection. Without following the directions issued by the Hon'ble Supreme Court for closure of liquor shops along National and State highways and re-locating the same in other places, the third respondent is trying to open TASMAC elite bar not only within 150 metres from the educational institutions but also in the agricultural land. The villagers made several representations expressing their objection to open the TASMAC shops and bars in their village. Since the officials of the third respondent inspected the place on 23.04.2024, for locating the TASMAC elite bar, the petitioner has filed the present writ petition.

4. Heard Mr.M.R.Jothimanian, learned counsel for the petitioner. Mr.M.Sekar, learned Standing Counsel for TASMAC accepts notice on behalf of respondents 2 and 3 and submits that the representation of the villagers will be considered within a period of four weeks.



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5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, this Court directs the first respondent to consider the petitioner's representation dated 04.01.2024 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the villagers as well as any of the interested parties, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that till the representation of the villagers is disposed of, the bar shall not be opened.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(A.D.J.C.,J.) (R.K.M.,J.)
08.05.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi/kj



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To

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Kudimangalam, Udumalaipet Taluk,
Tiruppur District.
- 5.The Public Prosecutor,
High Court, Madras.



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**A.D.JAGADISH CHANDIRA, J.,
and
R.KALAIMATHI,J.**

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