



WEB COPY



W.P.No.23290 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM :

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.23290 of 2024

and

W.M.P No.25450 of 2024

Sri Nithya Pranava Roopananda
@ J.Kalaiyaran

... Petitioner

Vs.

1. The Commissioner, Prohibition and Excise
Ezhilagam, Chennai.
2. The District Collector,
O/o.The District Collector of Kanchipuram,
Kanchipuram.
3. TASMAL Limited,
Rep. by its Managing Director
CMDA Tower- II, IV Floor
Gandhi Irwin Bridge Road
Egmore, Chennai-600 008
- 4.The Regional Manager, TASMAL Limited
#735, IV Floor, L.L.A Building,
Anna Salai, Chennai-600 002.



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5. The District Manager, TASMAL Limited,
Kancheepuram South, Thirumizhisai Unit-3,
Sembarambakkam, Chennai-600 123.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
for issuance of a Writ of Mandamus, directing the respondents 2 to 5 not to
open the TASMAL Wine shop in the proposed location at Patta No.26/2,
comprised in S.No.271/2A3D, Walajabad Village, Kanchipuram District,
based upon the representation of the petitioner dated 18.07.2024.

For Petitioner : Mr.M.Manimaran

For Respondents : Mr.K.Karthik Jegannath

Government Advocate for Respondents 1 & 2

Mr.D.Sureshkumar

Standing Counsel for Respondents 3 to 5

ORDER

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

This writ petition has been filed to direct the respondents 2 to 5 not to
open the TASMAL Wine shop in the proposed location at Patta No.26/2,
comprised in S.No.271/2A3D, Walajabad Village, Kanchipuram District,
based upon the representation of the petitioner dated 18.07.2024.



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2. The respondents had already opened a TASMAC shop No.4054 in the said locality and it was closed, due to the objections made by the public and the wine Shops No.4054 and 4374 run in said place were shifted to patta No.1216, in S.No.283/1, No.86, Walajabad Village, Kanchipuram District. Again, the respondents have taken steps in a hurried manner to open TASMAC wine shop in the said place and if it is allowed to be opened, it will hampers the public movement on road and also disturb the children, women, especially school going students. In this regard, the petitioner, on behalf of the villagers, has made a representation on 18.07.2024 to the respondents not to provide permission to set up the said TASMAC shop in the above said place, however, it was not considered. Hence this writ petition.

3. Heard Mr.K.Karthik Jagannath, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.D.Suresh Kumar, learned counsel takes notice for the respondents 3 to 5.



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4. Considering the narrow scope of the prayer made in the writ petition, without expressing any opinion on the merits of the matter, we direct the District Collector, Kanchipuram to consider the representation of the petitioner dated 18.07.2024 and pass appropriate appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, no action to be taken to open the TASMAL shop in the place in dispute.

5. The writ petition is disposed of accordingly. There shall be no order as to costs. The writ miscellaneous petition No.25450 of 2024 is closed.

(D.K.K., A.CJ.) (P.B.B.J.)
16.08.2024

Internet: Yes/No
Index : Yes/No
mst

To

1. The Commissioner, Prohibition and Excise
Ezhilagam, Chennai.
2. The District Collector,
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THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

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and

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