



WP No.31693 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

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G.Gobi @ Gobalakrishnan : Petitioner

Vs

1.The District Collector
Vellore District

2.The Assistant Commissioner (Excise)
Department of Excise
District Collectorate Complex, Vellore District

3.The Senior Regional Manager
TASMAC No.56, Brindavan Raod Fair Lands
Salem 636 016

4.The District Manager
TASMAC No.1, Katpadi Raod, Thotapalayam
Vellore 632 001

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the TASMAC Liquor shop bearing Nos.11344 and 11094 situated at Arcot Road Kagithapattarai and relocate it to some other



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unobjectionable place based on petitioner's representation dated 24.06.2022.

For Petitioner : Mr.C.Arun Kumar
For Respondents 1, 2 : Mr.A.Anandan,
Government Advocate
For Respondents 3, 4 : Mr.K.Balakrishnan,
Standing Counsel

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Arun Kumar, learned counsel for the petitioner, Mr.A.Anandan, learned Government Advocate for respondents 1 and 2 and Mr.K.Balakrishnan, learned counsel appearing for respondents 3 and 4.

2. The petition is filed seeking directions that the subject Tasmac liquor shop should not operate in the present place and be relocated to some other unobjectionable place.

3. Learned counsel for the petitioner submits that the TASMAL



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shop in question is located within 40 meters of the religious place.

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4. Learned counsel appearing for respondents 3 and 4 submits that the Tasmac shop is located in a commercial area, and in a commercial area, distance restrictions do not apply.

5. Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 provides for the minimum distance to be maintained from the place of worship and educational institution. Proviso to sub-Rule (1) of Rule 8 exempts distance restrictions in areas designated as “Commercial” or “Industrial” by the Development or Town Planning Authorities.

6. According to learned counsel for respondents 3 and 4, the Town Planning Authority has not designated the place where the Tasmac shop is situated now, to be a commercial area.

7. The District Collector is the competent authority to consider an objection with regard to the functioning of a Tasmac shop. An aggrieved person can approach the authorities under Rule 9 of the



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Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

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8. In case the petitioner approaches the authorities and makes an application within ten days from today, the authority concerned shall consider the complaint of the petitioner on its own merits, after hearing all the parties concerned, and take a decision preferably within three months from the date of making the application.

9. The writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(J.S.N.P., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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