



W.P.No.33686 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.33686 of 2024
and W.M.P.No.36471 of 2024

Appolo James

.. Petitioner

Vs

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



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5.The District Manager,
TASMAC Limited,
Thiruvallur East,
Thirumazhisai Unit,
Sembarabakkam,
Chennai-600 123.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to not to open the TASMAC wine shop in the proposed location at S.No.123/3, Mettukuppam Main Road, Maduravoyil, Chennai-600 095 based upon the representation of the petitioner dated 17.10.2024.

For Petitioner : Mr.Avinash Wadhwani
for Mr.M.Manimaran

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.M.Habeeb Rahman
Government Advocate
for respondent No.2

: Mr.K.Balakrishnan
Standing Counsel
for respondents 1, 3 to 5

ORDER

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

Counsel for petitioner states that, after this court passed its order on 5.12.2024, the District Collector has passed an order on 11.12.2024



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rejecting the proposal of the TASMAL to set up a retail outlet. The operative part of the order of the District Collector reads as under:

“The District Manager, TASMAL Ltd, Tiruvallur (East) District vide letter 7th read above reported that around 59 petitions have been received through the Chief Ministers special cell and 3 through letter raising objections to the opening of the Liquor Shop at the above address.

The District Manager, TASMAL Ltd, Tiruvallur (East) District further reported that Public has been continuously raising objections for the opening of the liquor shop at the above address, since if permission is granted to open the liquor shop the public will raise continuous objections.

The Taluk Excise Officer, Maduravoyal Taluk, vide letter 8th read above has reported to reject the proposal of shifting of shop to the aforesaid premises based on the objections received from the Public.

Hence based on the report received from the District Manager, TASMAL Ltd, Tiruvallur (East) District, Taluk Excise officer, Maduravoyal Taluk and considering the public interest, the proposal for shifting the TASMAL Shop No.9036 in Survey No. 123/3, Door No.442, Mettukuppam main Road, Maduravoyal, Chennai-95 is rejected.

The District Manager, TASMAL Ltd, Tiruvallur (East) District is further directed to find an alternate location to relocate the TASMAL Shop No.9036 and send a fresh proposal.”

2. Counsel for petitioner states the petition has worked itself out and nothing remains.

3. Shri Prabakar states that pursuant to the observations made by this court on 5.12.2024 in this petition, a government order in the form of a



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letter dated 11.12.2024 addressed to all the District Collectors has been issued by the Chief Secretary to Government. For ease of reference, the said letter is scanned and reproduced below:

MOST IMMEDIATE / FOLLOW-UP ACTION ON THE COURT ORDER



Horns, Prohibition and Excise (VI) Department,
Secretariat, Chennai-600 009.

Letter No. 29056/H, P&E VI(2)/2024-1, Dated: 11.12.2024

From:
Thiru N.Muruganandam, IAS,
Chief Secretary to Government

To:
✓ All the District Collectors (w.e.i)

Sir / Madam,

Sub: Horns, Prohibition and Excise Department – TASMAC - W.P.No 33686 of 2024 filed by Thiru. Appala James, Chennai before the Hon'ble High Court at Madras - Interim Order passed by the Hon'ble Court dated 05.12.2024 – Communicated for necessary action - Reg.

Ref: 1. Chief Secretary to Government D.O.Letter No. 1137/CS/SC/2024, dated 26.11.2024.
2. Interim Order of the Hon'ble Division Bench of the High Court of Madras, dated 05.12.2024 passed in W.P.No. 33686 of 2024 filed by Thiru. Appala James.

I am directed to invite your attention to the D.O.letter in the reference first cited, wherein detailed instructions with focus on below aspects were issued for effective and timely disposal of the grievance petitions presented to Government Offices through online and offline mode:-

- An acknowledgement should go immediately and at the most within three days of the receipt of grievance petitions.
- Grievance itself should be redressed within a maximum period of one month of its receipt and it should be with a speaking order in the event of a redressal or rejection if found necessary.
- The citizens approaching the Government departments with their grievance petitions should be informed of the progress of his / her grievance.
- In case, for some reason, additional time is required for its finalization, the person, who has given grievance petition, should be informed in writing of the extended period of time for its finalization.
- In case, it is found not feasible to accede to his / her request, a reasoned reply may be issued to the aggrieved citizen within the stipulated time limit of one month.

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2. Further, it was stated in my D.O.letter that the above instructions were reiterated to all the Secretaries to Government, Heads of Departments, District Collectors and all Government Offices. In addition, it was further stressed upon by the office of the Chief Secretary in letter dated 18.05.2023 to the newly assumed District Collectors.

3. Further, in my D.O. letter, it was pointed out that in spite of repeated instructions issued by the Government for timely disposal of grievances by public, it is observed that Government Orders are not being strictly complied with in letter and spirit in some cases.

4. Now, I am to state that one Thiru. Appala James has filed a Writ Petition in W.P.No. 33686 of 2024 before the Hon'ble High Court of Madras with a prayer to issue a Writ of Mandamus directing the Respondents not to open the TASMAC Wine Shop in the proposed location at S.No.122/3, Mettukuppam Main Road, Madhavavil, Chennai - 600 055, based on the representation of the Petitioner dated 17.10.2024.

5. The Hon'ble Division Bench of High Court of Madras, in its recent order dated 06.12.2024, passed in W.P.No. 33686 of 2024 filed by Thiru. Appala James, among others, has ordered as follows:-

“FOR THE PETITIONER”

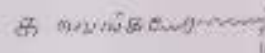
“We direct every Collector, who receives a representation objecting the opening of TASMAC shop, to keep the person sending the representation advised by marking copy of all communications with regard to that representation with TASMAC. This will obviate the need for the person objecting to come to this Court by way of a public interest litigation for a mandamus to direct the Collector to consider the representation.”

“FOR THE RESPONDENTS”

6. A copy of the above said order of the Hon'ble Division Bench of High Court of Madras is enclosed for ready reference.

7. It is, therefore, instructed that in addition to the guidelines / instructions issued by the Government from time to time for effective and timely disposal of the grievance petitions, the order of the Hon'ble Division Bench of the High Court of Madras referred to at para 6 above, shall also be scrupulously followed in future.

Yours faithfully,


for Chief Secretary to Government.

Copy to:
The Private Secretary to the Chief Secretary to Government,
Chennai - 9.
The Private Secretary to the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department, Chennai 9.
The Managing Director,
Tamil Nadu State Marketing Corporation Limited, Chennai 8.
Stock File.

4. It is clarified, and Shri Prabakar confirms, that it has been so



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understood that though the order was passed in the matter relating to a representation to the Collector to consider objections regarding the setting up of a TASMAL retail outlet, the instructions given in the first paragraph of the said letter apply to all representations, not just restricted to issues pertaining to TASMAL.

5. A copy of this order shall also be circulated to all the District Collectors.

Petition is disposed of accordingly. There shall be no order as to costs. Consequently, interim application stands closed.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

12.12.2024

Index : Yes/No
NC : Yes/No
sasi



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WEB COPY To:

- 1.The Chief Secretary to Government
State of Tamil Nadu
Fort St. George, Chennai – 9.
- 2.The Commissioner,
Prohibition and Excise,
Ezhilagam, Chennai.
- 3.The District Collector,
O/o. The District Collector of Chennai,
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)

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12.12.2024