



W.P(MD)No.1526 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.1526 of 2024

R.Suresh Kumar

... Petitioner

VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Deputy Superintendent of Police,
Prohibition Enforcement Wing,
Madurai Zone,
Madurai.
- 4.The Deputy Superintendent of Police,
Melur, Madurai.
- 5.The Block Development Officer,
Melur Union, Melur,
Madurai District.
- 6.The Director,
Food Safety Department,
Viswanathapuram, Madurai.



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7.The Inspector of Police,
Melur Police Station,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to initiate action against the illegal selling of liquor and gutka in the shop under the scheme for women through self help groups situated at fifth respondent's office campus.

For Petitioner	: Mr.R.Aravindan
For Respondent Nos.1 & 6	: Mr.P.Thilak Kumar Government Pleader
For Respondent No.2 to 4 & 7	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to initiate action against the illegal selling of liquor and gutka in the shop under the scheme for women through self help groups situated at fifth respondent's office campus.



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2. When the matter came up for hearing on 24.01.2024, this Court passed the following order:

'It is the case of the petitioner that one P.C.Pandi, who is running a tea shop at the campus of Block Development Office, Melur under the Scheme for Women through Self Help Groups, indulged in unlawful activity by selling liquor and gutka to the general public and several criminal cases have been registered as against him under Section 4(1a) of Prohibition Act and subsequently, the said shop was locked and sealed by the Officer of Food Safety Department on 30.11.2023. It is the further case of the petitioner that though the said shop was locked, the said Pandi with the help of revenue officials and police, installed the shed in front of sealed shop and continuing his business by selling liquor and gutka. In this regard, the petitioner has also sent representation to initiate action against the illegal selling of liquor and Gutka in Tea shop. However, the respondents have not taken any steps. Hence, the petitioner has filed this Writ Petition.

2. Mr.P.Thilak Kumar, learned Government Pleader takes notice for respondents 1 and 6. Mr.R.Meenakshi Sundarm, learned Additional Public Prosecutor takes notice for respondents 2 to 4 and 7. The learned Government Pleader submits that the said shop was locked and no business was conducted in front of the aforesaid shop.

3. Considering the fact that the aforesaid allegation of the petitioner is very serious in nature and affecting the public in large, we direct the Superintendent of Police, Maduri viz., the second respondent herein to file a detailed status report with regard to the illegal selling of liquor and gutka in the premises of Block Development Office, Melur, before this Court on 31.01.2024.

4. Post the matter on 31.01.2024.'



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3.Pursuant to the order, dated 24.01.2024, the Superintendent of Police, Madurai District, Madurai/second respondent filed a status report, wherein it is stated as follows:

'8.It is submitted that on 06.01.2024, the owner of the shop has obtained permission from the Food Safety Department vide Na.Ka.En.2627/Food Safety Department/2023 dated 06.01.2024 to re-open the shop subject to the conditions that no similar occurrence will be held in the shop and the shop is live livelihood and the shop has been functioning since then.

9.It is submitted that upon subsequent inspections in the shop, it is found that 4 CCTV cameras have been installed by the shop owner to continuously monitor the shop and surroundings regarding any such allegation. During the inspection in the shop also, it is found that no prohibited tobacco products or alcohol were found inside the shop.

10.It is submitted that the last case registered against PC Pandi was in the year 2018 and since then no criminal case for illegal sale or possession of liquor has been registered. In order to ensure that no further sale of banned tobacco products in the shop, CCTV cameras have been installed by the owner and can be verified at anytime. A close monitoring is being ensured by Police Officers. The Madurai District Police is also taking proactive measures by organising monthly meetings with all the Tea and Petty shop owners and creating awareness about the sale of Tobacco products and its dangers.'



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4. Recording the aforesaid statement made in the counter-affidavit, no further order is required in this Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

[D.K.K.,J.] [R.V.,J.]
14.02.2024

NCC : Yes / No

Index : Yes / No

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ORDER MADE IN
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