



W.P.(MD)No.3203 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.3203 of 2024

R.Kannan

: Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC),
50/57, TANSIDCO Complex,
Nanjikottai Road,
Thanjavur – 613 006.

3.The Superintendent of Police,
Thanjavur District.

: Respondents

*[R3 is suo motu impleaded by this Court vide order dated
20.02.2024]*



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to close the TASMAL Liquor Shops in and around Kumbakonam Town, Thanjavur District on account of Local Holiday declared by the Tamil Nadu Government in G.O.Ms.No.297 dated 10.05.2023 regarding 'Maasi Maham Perunthiruvizha', which is scheduled to be conducted in the present year ie., on 24.02.2024, by considering the petitioner's representation dated 17.01.2024, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.B.Anandan

For Respondents 1&3 : Mr.P.Thilak Kumar
Government Pleader

For Respondent No.2 : Mr.H.Arumugam
Standing Counsel

O R D E R

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The present Writ Petition has been filed seeking for a direction to the respondents to close the TASMAL Liquor Shops in and around Kumbakonam Town, Thanjavur District on account of Local Holiday declared by the Tamil Nadu Government in G.O.Ms.No.297 dated 10.05.2023 regarding 'Maasi Maham Perunthiruvizha', which is scheduled to be conducted on



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24.02.2024, by considering the petitioner's representation dated 17.01.2024.

2. Heard Mr.P.Thilak Kumar, learned Government Pleader who accepts notice for the respondents 1 & 3 and Mr.H.Arumugam, learned Standing Counsel who accepts notice for the second respondent.

3. According to the petitioner, Kumbakonam is famous for congregation of Lord Shiva and Lord Vishnu Temples. During the eve of “Mahamaham Kumba Mela or Maamangam” which is held once in twelve years and during the annual festival “Maasi Maham” in the Tamil month of Maasi, the devotees nearly fifteen lakhs come to Kumbakonam for Holy dip in Mahamaham Tank. This year, the Maasi Maha Peruvizha is celebrated on 24.02.2024 and during the festival, huge number of Hindu devotees are expected to gather in Kumbakonam to have a Holy dip in the tank. Since Maasi Maham Festival is considered to be a most historical festival, the Government has declared local holiday. According to the petitioner, on the said date of festival ie., on 24.02.2024, it is necessary to close the TASMAC liquor shops in and around Kumbakonam Town in order to avoid law and order problems. In this regard, the petitioner has sent a representation to the respondents. Since the



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same remains unattended, the petitioner has come up with the present Writ Petition.

4.The District Manager, TASMAL, the second respondent herein has filed a counter affidavit stating that there are 7 shops functioning in and around Kumbakonam Town, out of which 2 shops are situated beyond 3 kms, 4 shops are situated beyond 1 km and 1 shop is situated around 750 meters away from the Theerthavari Tank. It is further stated that the first and second respondents are taking care of the matter and hence the apprehension of the petitioner that there is possibility of law and order problem is baseless. It is further stated that for the past two years the petitioner had been filing writ petitions and the same had been dismissed. According to the second respondent, no inconvenience is caused to the public and the closure of a TASMAL shop is a policy decision to be taken by the Government.

5.So far, the District Collector has not chosen to file any counter affidavit in the present writ petition. It is certainly surprising to see the counter affidavit which states that the second respondent is taking care of the law and order problem. The second respondent is not maintaining law and order. The Superintendent of Police and the District Collector are the competent authorities to



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maintain law and order.

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6.Mahamaham is an important festival which is celebrated in Kumbakonam. Considering the fact that huge number of devotees are expected to gather in Kumbakonam, the District Collector has declared local holiday for Kumbakonam town and Thanjavur District. Therefore, we are of the view that the District Collector is the competent authority to decide the issue as to whether the TASMACHOPs are to be opened on the said date of the festival ie., on 24.02.2024 and whether there are chances of any law and order issues.

7.Therefore, we direct the first respondent District Collector, Thanjavur District to consider the representation of the petitioner dated 17.01.2024 regarding closure of the TASMACHOPs on 24.02.2024, in consultation with the Superintendent of Police, Thanjavur District regarding the law and order problems. Since, Superintendent of Police, Thanjavur District is not a party to this Writ Petition, we *suo motu* implead the Superintendent of Police, Thanjavur District as third respondent in this Writ Petition. The District Collector shall consider the representation of the petitioner and dispose of the same, by taking note of the observations made by this Court in the interest of maintaining law



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and order. The District Collector shall also bear in mind that if any untoward incidents take place or if there is any law and order problem, the district administration is responsible for the same and pass orders accordingly, ***on or before 22.02.2024.***

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[D.K.K.,J.] & [R.V.,J.]
20.02.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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MR

ORDER MADE IN
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