



**W.P.(MD)No.14317 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 02.07.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE R.SURESH KUMAR  
AND  
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)No.14317 of 2024  
and  
W.M.P.(MD)No.12567 of 2024**

**G.Palanisamy**

**... Petitioner**

**VS**

**1.The Managing Director,  
Tamil Nadu State Marketing Corporation Limited,  
CMDA Tower-II, IV Floor,  
Gandhi Irwin Bridge Road,  
Egmore, Chennai – 600 008.**

**2.The District Collector,  
Office of the Collector, Tiurnelveli District.**

**3.The District Manager,  
The Tamil Nadu State Marketing  
Corporation Limited (TASMAC),  
Narikuravur Colony, Thondi Road,  
Palamalai Nagar, Soorakulam Village,  
Sivagangai.**

**...Respondents**

**PRAYER: Writ Petition filed under Article 226 of the Constitution of India,  
to issue a Writ of Mandamus, to forbear the respondent from opening the**



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TASMAC shop in the building situated at Settiyandhal Village, Ponnaligkottai Municipality, Sarugani Post, Devakottai Taluk, Sivagangai District.

For Petitioner : Mr.B.Michael Sebastin  
For R1 and R3 : Mr.H.Arumugam  
For R2 :Mr.P.Thilk Kumar  
Government Pleader

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### **ORDER**

(Order of this Court was made by **G.ARUL MURUGAN, J.**)

The petitioner, who is a resident of Settiyandhal Village, has approached this Court with the above public interest litigation for restraining the respondents from opening the TASMAC shop in the building situated at Settiyandhal Village, Ponnaligkottai Municipality, Sarugani Post, Devakottai Taluk, Sivagangai District.

2.According to the petitioner, the proposed location of the TASMAC shop is situated within 100 meters of the residential area, where, the School and College students are living and as there is no proper bus facility, the students have to cross the proposed TASMAC shop, which will be



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detrimental to their interest. Further, as most of the women folks are engaged in daily wage cooli work, they will be finishing their works and returning to the village at late night and the opening of the proposed TASMACH shop will be against their safety and also illegal activities may increase. Further, even in the year 2022, the respondents had a plan to open a TASMACH shop in the village, but due to the protest and representations from the residents of the village, the proposal was dropped and in fact, the Panchayat has also passed resolution to the effect that the TASMACH shop will not be located in that place. As now, after two years, since the respondents are again planning to open a TASMACH shop in the same place, where, it was earlier dropped, the petitioner had submitted a representation on 01.03.2024 to the respondents placing his objection in respect of opening the TASMACH shop. The Revenue Divisional Officer, Devakottai, had also forwarded the complaint of the petitioner to the third respondent for taking necessary action. However, since no further action has been taken and the respondents are proceeding to locate the shop, he has preferred the above Writ Petition.



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3.The learned Counsel for the petitioner by reiterating the averments made in the affidavit submitted that if the proposed TASMAL shop is opened, it will be detrimental to the interest of the villagers, only due to which, even the earlier proposal was dropped two years ago due to the agitation of the public. But now, without considering the objections, they are proceeding to locate the shop and therefore, sought for interference of this Court.

4.The learned Government Pleader appearing for the second respondent, on instructions, submitted that now, the third respondent has submitted a proposal seeking approval from the second respondent for opening the TASMAL shop as per Rule 8(3) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, and further, the objection submitted by the petitioner vide representation, dated 01.03.2024, will also be necessarily considered before a decision is taken.

5.In view of the submission made by the learned Government Pleader that the proposed TASMAL shop is yet to be opened in the village of the petitioner and before opening any TASMAL shop by the third respondent,



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necessary permission approval has to be obtained from the second respondent as per Rule 8(3) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 and further, before grant of approval, the second respondent shall also consider the objection submitted by the petitioner in so far as the opening of TASMAL shop is concerned, Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, is extracted hereunder:

*“8.Location of shop.—(1) No shop shall be established in Municipal Corporations and Municipalities within a distance of 50 (fifty) metres and in other areas 100 (hundred) metres from any place of worship or educational institutions: Provided that the distance restriction shall not apply in areas designated as “ Commercial” or “ Industrial” by the Development or Town Planning Authorities: Provided further that no shop shall be established within the premises of any hotel:*

*Provided also that if any place of worship, educational institution comes into existence subsequent to the establishment of the shop, the provisions of this rule shall not apply:*

*Provided also that no liquor shops shall be established in any tribal areas covered under Integrated Tribal Development Project and Hill Area Development Project in the Hill area of Vellore, Salem, Namakkal, Dindigul, Tirunelveli and Kanniyakumari districts.*

*(2) Every shop shall be housed in a pukka building and no part of the shops shall be thatched either on the sides or on the roof.*

*(3)The shop shall be in the location approved by the Collector before commencing the business in the shops.*

*Provided that no such approval shall be given by the Collector unless representation received, if any, objecting to the location of the shop, is considered and orders passed thereon. ”*



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6. Since the petitioner has submitted the objection on 01.03.2024 and the proposal submitted by the third respondent is pending before the second respondent for grant of approval in view of Rule 8(3) of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003, the second respondent shall consider the representation submitted by the petitioner on 01.03.2024 and take appropriate decision in accordance with law while considering the proposal within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

**[R.S.K., J]      &      [G.A.M., J]**  
**02.07.2024**

Internet : Yes/No  
Index : Yes/No  
NCC : Yes/No

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To  
The District Collector,  
Office of the Collector, Tiurnelveli District.



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**R.SURESH KUMAR, J.**

**AND**

**G.ARUL MURUGAN, J.**

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Order made in  
**W.P(MD)No.14317 of 2024**

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