



W.P.(MD) No.15791 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

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Sugumaran

... Petitioner

-Vs-

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Senior Regional Manager,
Tamilnadu State Marketing Corporation,
Madurai.

3.The District Manager,
Tamilnadu State Marketing Corporation,
Thanjavur.

4.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the TASMACH Shop No. 7840 from the Thanjavur to Pattukottai Main Road at Orathanadu Town,



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Thanjavur District and relocate the TASMACH Shop No.7840 to any other far away unobjectionable place in light of petitioner's representation dated 24.02.2024 within the time stipulated by this Court.

For Petitioner : Mr.R.Ponkarthikeyan
For R1 : Mr.P.Thilak Kumar,
Government Pleader
For R2 & R3 : Mr.H.Arumugam,
Standing Counsel
For R4 : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

In order to remove the TASMACH Shop No.7840 from the Thanjavur to Pattukottai Main Road at Orathanadu Town, Thanjavur District and relocate the same to any other far away unobjectionable place, the petitioner has given a representation dated 24.02.2024 and since the same has not been considered so far, the petitioner has approached this Court by filing this Writ Petition.

2.Heard Mr.R.Ponkarthikeyan, learned counsel appearing for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the 1st



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respondent, Mr.H.Arumugam, learned Standing Counsel appearing for the respondents 2 and 3 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the 4th respondent.

3.The learned Standing Counsel for the respondents 2 and 3 would submit that the present location of the TASMAC shop is not in violation of the Rule 8 of the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003 (hereinafter referred to as 'the said Rules') and as per the said Rules, there has been no temple or educational institutions located within 50 meters from the TASMAC Shop in question. He has also stated that assuming if the temple is located within 50 meters, since the TASMAC is located in commercial area and all the buildings adjacent to the TASMAC shop are commercial buildings as per the proviso to the said Rules, Rule 8 of the said Rules would not apply in *stricto sensu*.

4.However, the learned counsel for the petitioner would submit that just opposite to the TASMAC shop, there is a temple called Pattarai Pillayar and Arasamara Sithi Vinayagar and it is also stated by him that the distance between the temple and the present location of the TASMAC shop is just 70 feet.



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5.In that case, strictly speaking, it is not hit by Rule 8 of the said Rules.

Anyhow, it is for the TASMALC authorities to take any decision as to whether the TASMALC shop No.7840 is to be re-located or not. Therefore, this Court feels that the representation given by the petitioner can be directed to be considered and necessary orders could be passed.

6.Accordingly, this Writ Petition stands disposed of with a direction to the 1st respondent to consider the representation of the petitioner dated 24.02.2024 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.S.K., J.] & [G.A.M., J.]
15.07.2024

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

Yuva

To

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.



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