



W.P.(MD) No.17713 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.17713 of 2024
and
W.M.P.(MD)No.15197 of 2024**

Pravin Fredarick

... Petitioner

Vs.

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

2.The Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
Plot No.100, Anna Nagar,
Madurai – 625 020.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
Kanyakumari.

4.The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,



W.P.(MD) No.17713 of 2024

WEB COPY

Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to ensure the peaceful operation of TASMACH shop bearing No.4823 is located at Kozhivilai, Killiyur Taluk, Kanyakumari based on the petitioner's representation dated 24.07.2024.

For petitioner : Mr.Shankar Ganesh

For respondents : Mr.S.Spranesan
Standing Counsel for R1 to R3
Mr.A.Albert James
Government Advocate (Crl.Side) for R4

ORDER

Heard learned counsel for the petitioner, learned Standing Counsel for the respondents 1 to 3 and learned Government Advocate (Crl.Side) for the fourth respondent.

2. The petitioner, apprehending closure of the Bar licence issued to the petitioner pursuant to an auction held during December 2023, is before this Court.

3. It is the specific case of the petitioner that the sitting MLA of the Constituency, Killiyur, Kanniyakumari had earlier given a representation for



W.P.(MD) No.17713 of 2024

cancelling the Bar licence issued to the petitioner, which is valid for a period starting from 15.12.2022 to 31.12.2025.

4. It is submitted that the Joint Director, TASMAC in his proceedings bearing reference in Na.Ka.No.A4/0014/2024 dated 07.03.2024, in response to the representation dated 03.01.2024, rejected the request of the aforesaid sitting MLA.

5. It is submitted that thereafter, the said sitting MLA has escalated the issue by holding protest. It appears that the Law Enforcement Authority namely, Police and Investigation Department intervened and prevented public disturbances and thereafter an FIR came to be registered in Crime No.78 of 2024 dated 09.03.2024, before the Police Station, Kaviyakkavilai.

6. In this regard, the learned Standing Counsel for the respondents 1 to 3 submits that the Bar, in the said premises, has been in existence for 9 years and that no untoward incident has taken place.



W.P.(MD) No.17713 of 2024

WEB COPY

7. The learned counsel for the fourth respondent would submit that an incident has taken place inside the Bar on 31.12.2023 and an FIR has been registered in Crime No.316 of 2023 dated 31.12.2023 before the Police Station, Kavikkavilai recorded offences under Sections 294b, 302 of IPC. It is further submitted that there are no other cases pending against the petitioner.

8. The apprehension expressed by the learned counsel for the petitioner is misplaced as the petitioner is carrying on the business as a Bar licensee pursuant to the auction that was held by the TASMAL. The alleged murder, which was taken place on 31.12.2023 is a social malice, which needs to be addressed at a macro level. Merely, because an untoward incident had taken place within the Bar, *ipso facto* would not warrant the closure of the Bar run by the petitioner, unless the petitioner himself was responsible for the same. If necessary evidence and material have been recovered and the Bar was sanitized, it cannot be ordered to close.

9. Since tipplers may be prone to violence due to intoxication and there are potential threat for such untoward incidents, it is for the TASMAL to deploy the



W.P.(MD) No.17713 of 2024

adequate number of police force or security staffs, to deter tipplers to resort to violence and to control the crowd.

10.This Writ Petition is thereafter disposed of by directing the respondents to not to close the licenced Bar of the petitioner. The TASMAC Authorities/respondents 1 to 3 are directed to ensure that adequate number of security staffs are deployed in each of the Bars so that there is deterrence among the tipplers from resorting to any violence, which may result any untoward loss of precious life. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

29.07.2024

To

The Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kanyakumari District.



WEB COPY



W.P.(MD) No.17713 of 2024

C.SARAVANAN, J.

apd

W.P.(MD) No.17713 of 2024

29.07.2024