



W.P.(MD)No.27785 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.27785 of 2023
and W.M.P.(MD)No.23890 of 2023

Yesudhas

... Petitioner

versus

1. The Commissioner of Prohibition
and Excise (I/c.)
Chepauk,
Chennai – 600 005.
2. The District Collector,
Kanyakumari District.
3. The Managing Director (TASMAC),
Tamil Nadu State Marketing Corporation,
C.M.D.A.Building, Tower-II,
Gandhi Irwin Bridge,
Egmore, Chennai.
4. The District Manager (TASMAC),
Kanyakumari District.
5. The President,
Kattathurai Panchayat,
Mulagumoodu Post,



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Kanyakumari District.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 to close down the TASMACH shop bearing No.4818 situated in Azhakiamandapam Junction, Veyanoor, A.Village, Kattathurai Panchayat, Kanniyakumari District, based on the report of the Sub-Collector, Padmanabhapuram, vide proceedings No.Oo.Mu.Aa4/1316/2023 dated 20.03.2023 for the closure of the above mentioned TASMACH shop.

For Petitioner : Mr.S.Deepak

For R1 and R2 : Mr.R.Suresh Kumar,
Additional Government Pleader

For R3 and R4 : Mr.Sivanesan,
Standing Counsel

ORDER

The petitioner is a retired Army Person. He has filed this writ petition for a Mandamus directing the respondents to close down the TASMACH shop bearing No.4818 situated in Azhakiamandapam Junction, Veyanoor, A.Village, Kattathurai Panchayat, Kanniyakumari



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District, based on the report of the Sub-Collector, Padmanabhapuram, vide proceedings No.Oo.Mu.Aa4/1316/2023 dated 20.03.2023, for the closure of the TASMAC shop.

2. The case of the petitioner is that the TASMAC shop bearing No.4818 is situated at Azhakiamandapam Junction and there are many pedestrians and school children passing through the road in front of the TASMAC shop. Apart from that, a RC Church, a Child Welfare Home, a Spinsters Hostel, a Mosque and a Hospital are also situated very near to the TASMAC Shop. The persons, who are visiting the TASMAC Bar, are parking their vehicles on the highways, which is causing traffic problem as well as danger to the commuters travelling in the highways. Therefore, the petitioner as well as the entire villagers have raised serious objections and requested the authorities to shift the TASMAC shop bearing No.4818. The Village Panchayat has also passed resolutions on 15.06.2021 and on 01.05.2022 and the same were forwarded to the concerned authorities. Even thereafter, they have not



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taken any decision either to close down the TASMAC shop or to shift this TASMAC shop. The petitioner has also enclosed certain photographs and the report of the Sub Collector, Padmanabhapuram, dated 20.03.2023.

3. The Sub-Collector, Padmanabhapuram, who conducted an enquiry on the representations made in this regard, has also recommended the concerned authority to shift this TAMSAC Shop, by his proceedings dated 20.03.2023. The Assistant Commissioner (Excise), Nagercoil, by his proceedings dated 01.09.2023, has also sent a communication to one of the representatives that they are intending to shift the TASMAC shop as and when they got an alternative place.

4. The learned counsel appearing for the petitioner, who appeared through video conference, submitted that he is out of station and therefore, he requested for a short accommodation to represent the case.



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5. The available materials shows that not only the petitioner, the entire villagers are agitating for shifting the TASMAC shop and they have also made several representations in this regard. The Village Panchayat has also passed two resolutions to shift the TASMAC shop. The photographs also show that it is causing inconvenience to the commuters and also creating traffic problem. Taking all these factors, the Sub Collector, by his proceedings dated 20.03.2023, has recommended for shifting the TASMAC shop. The Assistant Commissioner (Excise), Nagercoil, by his proceedings dated 01.09.2023, has sent a communication that they are intending to shift the shop as and when they got an alternative place.

6. In view of the same, this writ petition is disposed of with a direction to the 3rd respondent to take a decision, by considering the recommendation of the Sub Collector, dated 20.03.203 and the proceedings of the Assistant Commissioner (Excise) dated 11.03.2023,



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within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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