



W.P.No.7922 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.7922 of 2023

and

W.M.P.No.8178 of 2023

M.Pannerselvam

.. Petitioner

Vs.

- 1.The Home Secretary,
Secretariat,
Fort St.George,
Chennai.
- 2.The Commissioner,
Prohibition and Excise,
Chepauk, Chennai.
- 3.The District Collector
O/o.The District Collector,
Trichy District, Trichy.
- 4.The Tahsildar
O/o.Tahsildar Office,
Thuraiyur Taluk,
Trichy District, Trichy.



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5.The Block Development Officer,
Thuraiyur Block, Trichy District.

6.The Manager,
O/o.District TASMAL Office,
Old Building, 1st Floor,
DRO Room, Trichy.

7.Murugesan .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari and Mandamus calling for the records relating to the impugned proceedings Se.Mu.AAa.No.Ma(Ma)Aa 9(1)/51/2022 dated 20.02.2023 passed by the second respondent and also directing the 6th respondent not to open any new TASMAL outlet at petitioners village and quash the same.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.K.Karthik Jagannath
Government Advocate
for respondent Nos.1 to 5

Mr.K.Sathish Kumar
Standing Counsel
for respondent No.6

Mr.R.Syed Mustafa
for Mr.K.P.Jotheeswaran
for respondent No.7



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ORDER

(Order of the Court was made by G.Arul Murugan, J.)

Heard Mr.D.Ashok Kumar, learned counsel for the petitioner, Mr.K.Karthik Jagannath, learned Government Advocate for respondents 1 to 5, Mr.K.Sathish Kumar, learned Standing Counsel for sixth respondent and Mr.R.Syed Mustafa, learned counsel for Mr.K.P.Jotheeswaran for seventh respondent.

2. This Public Interest Litigation challenges the order of the second respondent dated 20.02.2023 which confirms the order of the third respondent/District Collector granting approval for opening a Tasmac Shop in Survey No.72/3B2 in Naduvalur Village.

3. The petitioner assails the location of the Tasmac Shop mainly on the ground that the shop is proposed to be located in an agricultural land and in close vicinity of schools and temple within a radius of 100 metres.

4. The learned counsel for the petitioner submitted that the Tasmac Shop is proposed to be located in deviation of the rules within



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the prohibited distance of 100 metres from school and temple. Further, if the Tasmac Shop is located near the agricultural land, the chance of throwing empty bottles in the agricultural lands cannot be prevented and thereby the agricultural operations would get affected. It is his further contention that when another Tasmac Shop is already located within a distance of 4 kms, the Tasmac Shop in the present location is unwarranted.

5. The learned Government Advocate for respondents 1 to 5 submitted that due to the complaint received, the Village Administrative Officer had conducted enquiry and issued certificate stating that there are no schools or temple within a circumference of 1000 metres from the proposed outlet. The District Collector had also considered the objections raised and had accorded sanction to open the Tasmac outlet in the proposed place as per Rules.

6. The learned Standing Counsel for the sixth respondent submitted that the outlet is proposed to be located in the place of the seventh respondent, where the shop is put up in compliance with the existing rules.



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7. The learned counsel for the seventh respondent submitted that the petitioner has filed this Public Interest Litigation only with vested interest, as he is working in the area located in the nearby place and only wants to stall the functioning of the shop in the proposed place.

8. Considered the rival submissions and perused the materials available on record.

9. The petitioner opposes the location of the Tasmac Shop in Survey No.72/3B2 of Naduvalur Village on the ground that the shop is proposed to be located in the construction put up on the agricultural land and also that the proposed shop lies within the prohibited distance of 100 metres from the schools and temple.

10. As regards the contention that the shop cannot be located in the premises on the agricultural land, it is relevant to note Rule 8 of The Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 which deals with the location of the Tasmac Shop. Rule 8(1) does not



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prohibit locating the shop in a premises constructed on agricultural land but only restricts establishing shop within 50 metres in Municipal Corporations and Municipalities and 100 metres in other areas from any place of worship and educational institutions. The issue has already been considered by a Coordinate Bench of this Court in the case of ***Mallasamy Nachimuthu Vs. The District Collector, Erode and others [Order dated 06.12.2019 in W.P.No.4136 of 2019]***, wherein it was held that when there is no prohibition or restriction of the utilisation of premises established / constructed over agricultural land, the Tasmac Shop can be housed in a premise that may be situated over an agricultural piece of land, subject to the conditions and restrictions which are required for the utilisation of such land in accordance with the rules and regulations. Therefore, the contention that the Tasmac Shop cannot be allowed to be located in the construction made in the agricultural land cannot be sustained.

11. In respect of the other contention that the proposed shop falls within the prohibited distance of 100 metres, the Village Administrative Officer had issued a certificate dated 10.06.2023 after conducting an enquiry to the effect that there are no residential areas,



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schools or places of worship within a circumference of 1000 metres from the proposed shop.

12. The District Collector had accorded sanction on 25.11.2022 by observing that the Tasmac Shop is a solid concrete building which is situated in Naduvalur Village Panchayat. The shop is not situated in a National Highway or State Highway and there are no schools, colleges or a place of worship within a distance of 1000 metres from the proposed shop and the place fulfills the conditions and is in accordance with Rule 8(1) of the Rules. The appellate authority/2nd respondent in the impugned order had considered the report submitted by the authorities and rejected the appeal on the ground that there are no schools, colleges or places of worship situated within the prohibited distance of 100 metres.

13. Even when all these materials were available and the appeal of the petitioner also came to be rejected holding that there are no schools, colleges or temple located within the prohibited distance as alleged, the petitioner has not disputed or produced any materials disputing the factual position in the present writ petition.



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14. Therefore, the contention of the petitioner that there are schools and temple situated within the prohibited distance is factually incorrect and the writ petition is bereft of any materials. When the approval has been accorded in due compliance to Rule 8(1) of the Rules, we see no reason to interfere with the orders passed by the authorities in allowing to open a Tasmac Shop in the proposed place.

15. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
22.10.2025

Index : Yes/No
Neutral Citation : Yes/No

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