



WEB COPY



W.P.No.19502 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.19502 of 2024

&

W.M.P.Nos.21355 & 21356 of 2024

S.Muralidharan

.. Petitioner

Vs.

1. Tamil Nadu State Marketing Corporation (TASMAC)
Rep. by the Managing Director
CMDA Tower II, IV Floor
Gandhi Irwin Bridge Road
Egmore, Chennai 600 008.
2. Home, Prohibition and Excise Department
Rep. by Principal Secretary
Secretariat, Fort St. George
Chennai 600 009.
3. The State of Tamil Nadu
Rep. by the Chief Secretary
Secretariat, Fort St. George
Chennai 09.



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4. Serious Fraud Investigation Office

Rep. by Director

Corporate Bhawan, Ground Floor

No.29, Rajaji Salai, Chennai 600 001.

5. National Consumer Dispute Redressal Commission

Rep. by the President

Upbhokta Nyay Bhavan, F Block

GPO Complex, INA, New Delhi 110 023.

6. Food Safety and Standards Authority of India

Rep. by Regional Director

2nd Floor, South Wing North Beach Road

Port Trust, Rajaji Salai, Chennai 600 001.

.. Respondents

[R4 & R5 deleted vide this order]

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Declaration declaring Act 33 of 1986 and Act 31 of 2003 of The Tamil Nadu Prohibition Act, 1937 as immoral, unconstitutional, against right to life and hence illegal.

For Petitioner : Mr.S.Muralidharan
Party-in-Person

For Respondents : Mr.K.Sathish Kumar
Standing Counsel for R1

Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.Habeeb Rahman
Government Advocate for R2 & R3

R4 & R5 - deleted



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ORDER
(Order of the Court was made
by the Hon'ble Chief Justice)

At the outset, petitioner seeks leave to delete respondents 4 and 5.

Leave granted. Registry to delete respondents 4 and 5.

2. In this petition, petitioner is seeking a declaration to declare Act 33 of 1986 and Act 31 of 2003 of the Tamil Nadu Prohibition Act, 1937 as immoral, unconstitutional, against right to life and hence, illegal.

3. Both these Acts have been in force for the last 38 and 21 years respectively. Therefore, we are not inclined to entertain the petition. The writ petition is dismissed.

4. At the same time, in the order dated 29.07.2024, petitioner was permitted to submit a fresh representation to the Government because whether to lift a ban on toddy is a policy decision that the Government has to take.



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5. Petitioner states that he has not filed any representation. If petitioner files any representation within four weeks, representation be considered and if necessary, petitioner be called to make a presentation. Learned Additional Advocate General states that the representation be made to Principal Secretary, Prohibition and Excise Department.

6. The writ petition is dismissed. There shall be no order as to costs. Consequently, the interim applications also stand dismissed.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY, J.)

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Index : Yes/No
Neutral Citation : Yes/No

kpl



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THE HON'BLE CHIEF JUSTICE
AND
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