



W.P.No.24293 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.24293 of 2022

and

W.M.P.No.23283 of 2022

M.Sivasubramaniam

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The District Manager,
Tasmac Limited,
Tiruppur District,
Tiruppur.

3. The Inspector of Police,
Palladam Police Station,
Palladam,
Tiruppur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issue a Writ of Mandamus, forbearing the respondents from relocating the Tasmac Shop No.2264 at S.No.324/1B, Naranapuram Village, Palladam Taluk, Tiruppur District and consequently direct the 1st respondent to consider the petitioner's objection dated 27.06.2022.



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For Petitioner : Mr.K.Balu

For R1 & R3 : Mr.P.Balathandayutham
Special Government Pleader

For R2 : Mr.M.Sekar

ORDER

In this Writ Petition, the petitioner has prayed for a mandamus as follows:

“this Hon'ble Court may be please to issue a order, direction or writ, more particularly writ in the nature of Writ of Mandamus, forbearing the respondents from relocating the Tasmac Shop No.2264 at S.No.324/1B, Naranapuram Village, Palladam Taluk, Tiruppur District and consequently direct the 1st respondent to consider the petitioner's objection dated 27.06.2022.”

2. The Respondents 1 and 2 have decided to shift Tasmac Shop No.2264 at S.No.324/1B, Naranapuram Village, Palladam Taluk, Tiruppur District, pursuant to an order passed by this Court in W.P.No.3978 of 2022 dated 13.04.2022.



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WEB COPY 3. It appears that, one Malaarasu had filed a Writ Petition in W.P.No.3978 of 2022 for a mandamus to the 2nd respondent to close the illegal Tasmac Shop No.2264 at S.No.324/1B, Naranapuram Village, Palladam Taluk or shift the same to any other place.

4. This Court, by an order dated 13.04.2022, had ordered as follows:

“14. Insofar as the allegation made by the petitioner against the Tasmac and the 6th respondent that, without having any license being issued to the 6th respondent, he has been running the bar illegally is concerned, the 4th respondent can be directed to inspect the premises and find out the truth and accordingly, he can take action in accordance with law. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

- *That the respondent Tasmac shall find out an alternative place within four months period as they undertaken before this Court and within the said period, so long as they run the shop in the existing place, where the petitioner is a lessee, the monthly rent shall be given to the lessee.*



- *Once they found an alternative place and relocate the shop, the petitioner cannot have any grievance that, the Tasmac should continue to run the shop in his leased out premises.*
- *Insofar as the allegation with regard to the alleged illegal running of bar by the 6th respondent is concerned, the 4th respondent is hereby directed to have a surprise checkup and find out the truth as to whether the allegation made by the petitioner against the 6th respondent Tasmac is correct and if so, action can be taken in accordance with law for allegedly running the bar by the 6th respondent.*
- *Even at the time of making the surprise checkup, if the 4th respondent does not find any illegality on the part of the 6th respondent with a alleged convenience of the Tasmac authority, it is open to the 4th respondent to have a continuous vigil over the said location as long as the said Tasmac shop is located in the present location for the maximum period of four months.”*

5. The case of the petitioner is that petitioner is a neighbour of shop that was leased out to the said Malaiarasu by Mrs.Balamani and Arumugam, who are the owners of the land. The 2nd respondent attempted to shift the proposed Tasmac shop adjacent to the petitioner's agricultural land owned by the said



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Balamani and Arumugam, and therefore, the petitioner made an objection vide

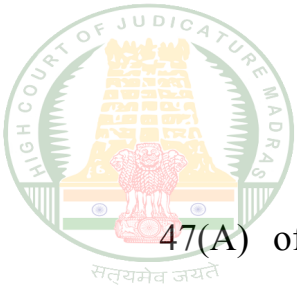
a letter dated 27.06.2022. However, without considering his objection, the 2nd

respondent is taking steps to shift the Tasmac shop to the said location.

6. This Court is of the considered opinion that, the shifting of the shop in the interest of the petitioner cannot be countenanced, as the petitioner has no right to decide as to whether the shop has to be located in the land owned by Balamani and Arumugam, 5th and 6th respondents in W.P.No.3978 of 2022 filed by the said Malaiaarasu.

7. It is the another case of the petitioner to object the proposal to set up a Tasmac shop adjacent to the petitioner's land in terms of the petitioner's objection dated 27.06.2022. However, that would not entitle the petitioner to close the shop or to relocate the shop. Therefore, I am inclined to vacate the interim order already granted by this Court and accordingly, it stands vacated.

8. However, there shall be a direction to the respondent to consider the petitioner's representation dated 27.06.2022 as to whether opening of a new tasmac shop in the proposed location would be in violation of the provision of Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 and Section



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47(A) of Tamil Nadu and Town Country Planning Act, 1971 and pass

appropriate orders on merits and in accordance with the law, within a period of 4 weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

19.09.2025

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Neutral Citation : Yes / No

To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Manager,
Tasmac Limited,
Tiruppur District,
Tiruppur.
3. The Inspector of Police,
Palladam Police Station,
Palladam,
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C.SARAVANAN, J.

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