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W.P. No. 34971 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 34971 of 2025

S. Krishnamurthy

...Petitioner

Versus

1.The District Collector,
Chennai District,
Chennai – 600 001.

2.The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC) Ltd.,
CMDA Towers, Egmore,
Chennai – 600 008.

3.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai – 600 003.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus, to direct the first respondent to consider and dispose the petitioner's representation dated 04.08.2025 and consequently direct the respondents to permit the continuance of TASMAC Shop No.205 with Bar in the petitioner's premises at Door No.81, E.H. Road, Vyasarpadi, Chennai – 600 039.



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For Petitioner : Ms. J. Swetha

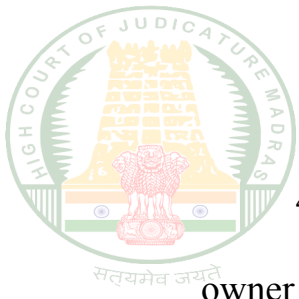
For Respondents : Mr. P. Balathandayutham,
Special Government Pleader for R1
Mr. K. Sathish Kumar,
Standing Counsel for R2

ORDER

Heard Ms.J.Swetha, the learned counsel for the petitioner, Mr.P.Balathandayutham, and Mr.K.Sathish Kumar, who takes notice at the admission stage and made submissions on behalf of the respondents 1 and 2.

2. By consent, this Writ Petition is taken up for final disposal at the stage of admission.

3. This Writ Petition has been filed seeking for a mandamus to direct the first respondent to consider and dispose the petitioner's representation dated 04.08.2025 and consequently direct the respondents to permit the continuance of TASMACH Shop No.205 with Bar in the petitioner's premises at Door No.81, E.H. Road, Vyasarpadi, Chennai – 600 039.



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4. It is the case of the petitioner that the petitioner is an absolute owner of the premises at Door No.81, E.H. Road, Vyasarpadi, Chennai – 600 039. From the year 2004 onwards, the said premises has been leased out to the 2nd respondent for running TASMACH Shop No.205 with Bar, under valid lease arrangements. The shop has been functioning in the said premises continuously for 22 years without interruption. During this period, neither objection or complaint has been raised by the public, nor any untoward or criminal incident has been reported in relation to the functioning of the TASMACH shop. The premises fall within a Mixed Residential Zone in R.S.No.779/23, Block No.42, Perambur Village, Over time, the locality has developed into a commercial hub, and the TASMACH shop has not caused any inconvenience to traffic, residents, or public-at-large.

4.1. It is further submitted that the 1st respondent, by order dated 02.06.2025 in R.C.No.L3/e-2411992/2024, directed the closure/relocation of the TASMACH Shop No.205, solely on the ground that “Rehoboth Church” is situated within 50 meters i.e., at 49 meters distance from the shop premises. It is submitted that the said Rehoboth Church is not a recognized or authorized place of worship under law. It is only a prayer hall



functioning in Tamil Nadu Slum Clearance Board land, without sanction/permission from the Government, Corporation of Chennai or CMDA.

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4.2. It is further submitted that as per G.O.Ms.No.2001, dated 29.11.1981, no temple, mosque or church can be permitted on Slum Clearance Board land. Hence, the so-called prayer hall also cannot be treated as a “Church” for the purpose of proximity restriction under TASMAL location norms. Moreover, the petitioner in compliance with the Collector's observation, have already modified and relocated the shop structure beyond 50 meters from the said hall, thereby satisfying the statutory distance requirement.

4.3. It is further submitted that the petitioner made a representation on 04.08.2025 to the 1st respondent narrating the details and requesting him to reconsider the order dated 02.06.2025 passed for closing the Shop No.205 and permit to use petitioner's premises for running TASMAL Shop with Bar. As there is no action has been taken on the petitioner's representation, the petitioner constrained to file this writ petition.



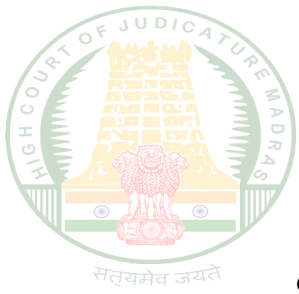
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5. Learned counsel for the petitioner further submits that the petitioner has now made alterations by shifting the building slightly, to comply with the requirements of Rule 8 (1) of Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

6. Learned counsel for the respondents submits that the petitioner's representation will be considered and the same will be forwarded to the first respondent, District Collector.

7. Considering the fact that the petitioner has already given a representation dated 04.08.2025 to reconsider the decision dated 02.06.2025 with the respondents herein, the first respondent is directed to consider the same and pass appropriate orders after due intimation to the District Manager, TASMAL within a period of eight weeks from the date of receipt of copy of this order.

8. The petitioner may also give a fresh representation through the District Manager, TASMAL which may be forwarded to the first respondent, District Collector.



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9. Accordingly, this Writ Petition is disposed of with the above directions. There shall be no order as to costs.

17.09.2025

Index : Yes/No
Neutral Citation : Yes/No
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