

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
Wednesday, the Nineteenth day of February Two Thousand Twenty Five
PRESENT

WEB COPY

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE S.SRIMATHY

WMP(MD)No.3137 of 2025
IN
WP(MD). No.4375 of 2015

Dinesh

..Petitioner/Petitioner

Vs

- 1.The Commissioner of Prohibition and Excise,
Chepauk,
Chennai
2. The District Collector,
Kanyakumari District,
Nagercoil.
3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC),
Kanyakumar District,
Nagercoil.

..Respondents/Respondents

Prayer in W.M.P(MD)No;3137 of 2025;-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India,
praying this Court to appoint the Advocate Commissioner to inspect the place and
file a report before this Hon'ble court.

Prayer in W.P(MD)No.4375 of 2025;-

Writ Petition filed under Article 226 of the Constitution of India, praying this



calling for the records relating to the impugned rejection order in Se.No.Ma(Ma)Aa9 (1)/3877/2024, dated 29/11/2024 passed by the 1st respondent and quash the same and consequently directing the respondents directing the 1st respondent to remove the TASMACH shop bearing No.4703, situated at Thammaathukonam, Erumbukadu Post, Kanyakumari District, by considering the petitioner's appeal dated 05.04.2024.

Order: This Writ Miscellaneous Petition coming on for hearing on this day and upon perusing the petition and affidavit filed in support thereof and upon the hearing the arguments of Mr.T.Selvakumaran, Advocate for the Petitioner and Mr.P.Thilak Kumar, Government Pleader for 1st and 2nd Respondents and Mr.S.Sivanesan, Standing Counsel for the 3rd respondent, This Court made the following order:-

The learned counsel for the petitioner alleging that the TASMACH Shop bearing No.4703 at Thammathukonam, Erumubukadu Post, Kanyakumari District, is situated within 30 meter from a Temple, which is against the guidelines issued by the Hon'ble Supreme Court, has filed this writ petition seeking to remove the shop from the place.

2. In view of the facts and circumstances of the case, this Court is inclined to appoint an Advocate Commissioner to inspect the place and to find out whether TASMACH is running in violation of the guidelines issued by the Hon'ble Supreme Court.

3. Accordingly, Mr.K.Vasantha Kumar, learned counsel, [Ms.No.7373/2021, Chamber No.1321, Law Chamber, Madurai, PH:80561 84757] is appointed as an Advocate Commissioner to inspect of the shop in question.



4.The learned Advocate Commissioner is directed to make a spot inspection and file a report before this Court before the next date of hearing.

5.The learned Advocate Commissioner shall be paid with a sum of Rs.15,000/- as remuneration. This remuneration shall be paid by the petitioner.

6.The report of the learned Advocate Commissioner shall be filed before this Court on or before 13.03.2025.

7.The Registry is directed to issue necessary warrant to the learned Advocate Commissioner.

8.List this matter on 13.03.2025.

Sd/-

Assistant Registrar(CS I)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

To

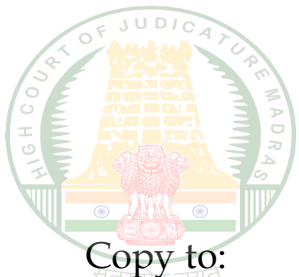
1.The Commissioner of Prohibition and Excise,
Chepauk,
Chennai

2. The District Collector,
Kanyakumari District,
Nagercoil.

3. The District Manager,
Tamilnadu State Marketing Corporation Ltd.,
(TASMAC),

<https://www.mhc.tn.gov.in/judis>
Kanyakumari District,
Nagercoil.

..Respondents/ Respondents



Copy to:

Mr.K.Vasanthakumar
Enrollment No.MS/7373/2021
No.1321, Law Chamber,
High Court Building,
Madurai,

ORDER DATED : 19/02/2025

HEARING DATE : 13/03/2025

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ORDER

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WMP(MD)No.3137 of 2025

IN

WP(MD). No.4375 of 2015

Giving direction and etc.

as stated within.

MGJ(27.02.2025) 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023