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WP No.1969 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2026

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.1969 of 2026

Nagai & Mailaduthurai District Consumer
Protection, Awareness Service Organization,
K.G.Ramachandran, District President,
Office at Saraboji Agragaram,
Thiruvnekadu, Sirkazhi Taluk,
Mailaduthurai District.

.. Petitioner

-VS-

1. The District Collector,
O/o. District Collector,
Mailaduthurai District.
2. The Revenue Divisional Officer,
O/o. Revenue Division Office,
Seerkazhi Revenue Division,
Seerkazhi, Mailaduthurai District.
3. The Thasildhar,
O/o.Seerkazhi Thaluk Office,
Seerkazhi, Mailaduthurai District.



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4. The Manager,
O/o. District Manager of TASMAC,
Nagapattinam District.
5. The Deputy Manager,
TASMAC, Thirubuvanam,
Mailaduthurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 4th and 5th respondents to transfer the TAZMAC Shop No.5756 from Market Place of Mangaimadam Village, Seerkazhi Taluk, Mailaduthurai District to other place as per the peace talking resolution vide No.Pa.Ve.10/2025/A2 dated 24.07.2025 on the file of the 3rd respondent.

For Petitioner	:	Mr.P.Muthamizhselvakumar
For Respondents	:	Mr.E.Vijay Anand Addl. Govt. Pleader, for RR 1 to 3
	:	Mr.K.Balakrishnan Stdg. Counsel for RR 4 and 5

* * * * *

ORDER

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

This petition has been filed seeking issuance of a writ of mandamus for re-location of existing TASMAC shop No.5756 from market place of Mangaimadam Village, Seerkazhi Taluk, Mailaduthurai



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District, to some other place as per Peace Talk Resolution dated 24.07.2025 on the file of the third respondent.

2. After going through the petition, we do not find that the location of the shop is statutorily prohibited, as provided under Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003.

3. It, however, appears that the residents of the area allegedly represented by the petitioner-association are raising protest and a peace talk meeting was arranged on 24.07.2025 followed by a memorandum of Revenue Divisional Officer, Seerkazhi, to the Taluk Magistrate with a request to conduct a site inspection and take appropriate action in this regard.

4. A writ of mandamus can be issued only to perform a statutory obligation. Since there is no statutory violation, no rule can be issued. In the case of ***Hari Krishna Mandir Trust v. State of Maharashtra, (2020) 9 SCC 356***, following observations were made:



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"100. *The High Courts exercising their jurisdiction under Article 226 of the Constitution of India, not only have the power to issue a writ of mandamus or in the nature of mandamus, but are duty-bound to exercise such power, where the Government or a public authority has failed to exercise or has wrongly exercised discretion conferred upon it by a statute, or a rule, or a policy decision of the Government or has exercised such discretion mala fide, or on irrelevant consideration.*

...

102. *In appropriate cases, in order to prevent injustice to the parties, the Court may itself pass an order or give directions which the Government or the public authorities should have passed, had it properly and lawfully exercised its discretion. In Director of Settlements, A.P. v. M.R. Apparao, (2002) 4 SCC 638, Pattanaik, J. observed:*

"17. ... One of the conditions for exercising power under Article 226 for issuance of a mandamus is that the court must come to the conclusion that the aggrieved person has a legal right, which entitles him to any of the rights and that such right has been infringed. In other words, existence of a legal right of a citizen and performance of any corresponding legal duty by the State or any public authority, could be enforced by issuance of a writ of mandamus, "mandamus" means a command. It differs from the writs of prohibition or certiorari in its demand for some activity on the part of the body or person to whom it is addressed. Mandamus is a command issued to direct any person, corporation, inferior courts



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or Government, requiring him or them to do some particular thing therein specified which appertains to his or their office and is in the nature of a public duty. A mandamus is available against any public authority including administrative and local bodies, and it would lie to any person who is under a duty imposed by a statute or by the common law to do a particular act. In order to obtain a writ or order in the nature of mandamus, the applicant has to satisfy that he has a legal right to the performance of a legal duty by the party against whom the mandamus is sought and such right must be subsisting on the date of the petition (see *Kalyan Singh v. State of U.P.* [*Kalyan Singh v. State of U.P.*, AIR 1962 SC 1183]). The duty that may be enjoined by mandamus may be one imposed by the Constitution, a statute, common law or by rules or orders having the force of law.”

103. The Court is duty-bound to issue a writ of mandamus for enforcement of a public duty. There can be no doubt that an important requisite for issue of mandamus is that mandamus lies to enforce a legal duty. This duty must be shown to exist towards the applicant. A statutory duty must exist before it can be enforced through mandamus. Unless a statutory duty or right can be read in the provision, mandamus cannot be issued to enforce the same.”

[emphasis supplied]



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5. In that view of the matter, we are not inclined to issue any mandamus. We leave it open for the authorities to consider the representation of the petitioner.

Petition is, accordingly, dismissed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
29.01.2026

Index : Yes/No
Neutral Citation : Yes/No

sra



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