



W.P.No.2414 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.2414 of 2026

&

W.M.P.No.2652 of 2026

N.Sivakumar
S./o Natrajan
2/14 B, Muthampalayam
Chengapalli Post
Tiruppur District 638 812

Petitioner(s)

Vs

1. The Commissioner of Prohibition and Excise
Ezhilagam
Chennai 600 005.
2. The District Collector
Tiruppur District
Tiruppur.
3. The Managing Director
Tamil Nadu State Marketing Corporation Ltd (TASMAC)
4th Floor, CMDA Tower, Egmore
Chennai.



W.P.No.2414 of 2026

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4. The Superintendent of Police
Tiruppur District
Tiruppur.
5. The Senior Regional Manager
Tamil Nadu Marketing Corporation Ltd (TASMAC)
305A, Vilankurichi Road
Peelammedu
Coimbatore.
6. The District Manager
Tamil Nadu Marketing Corporation Ltd (TASMAC)
Angeripalayam Road
Tirupur 641 602.
7. The Assistant Commissioner of Excise
Tiruppur District
District Collectorate
Tiruppur
8. The Tahsildar
Uthukuli Taluk
Uthukuli.
9. The Deputy superintendent of police
Avinashi
Tiruppur District.
10. The Inspector of Police
Kunnathur Police Station
Kunnathur
Tiruppur District.

Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 5 and 6 to shift the existing TASMAC Liquor Vending Shop located in S.No.108 of



W.P.No.2414 of 2026

Kunnathur Village, Uthukuli Taluk at Kunnathur Town Panchayat to some other place and consequently forbearing the respondents from issuing any licence for liquor vending in S.No.108 of Kunnathur Village, Uthukuli Taluk at Kunnathur Town Panchayat and the nearby areas which causes disturbances to the general public within the time frame fixed by this Hon'ble Court.

For Petitioner(s): Mr.N.K.Ponraj

For Respondent(s): Mr. M.Habeeb Rahman Government Advocate
for Respondents 1, 2, 7 & 8

Mr. S.Vinoth Kumar
Government Advocate (Crl. Side)
for Respondents 4 & 10

ORDER

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

Objection to location of existing TASMAC shop is mainly on the ground that it is located in a densely populated area and causing inconvenience to the public. Learned counsel for petitioner would submit that Collector has already forwarded the complaint/representation to the Tamil Nadu State Marketing Corporation Ltd.



2. From the reading of the affidavit, we do not find that there is any allegation of violation of statutory provisions contained in Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 in the matter of the location of TASMAL shop. Except stating inconvenience, no other ground has been urged.

3. 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:

“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 [Director of Settlements, A.P. v. M.R. Apparao, (2002) 4 SCC 638] . Pattanaik, J. observed: (SCC p. 659, para 17)

“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 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.”



WEB COPY



W.P.No.2414 of 2026

(emphasis in original)

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.”

4. 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 petitioner.

5. Petition is dismissed. There shall be no order as to costs. Consequently, the interim application is also dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
30.01.2026

Index : Yes/No
Neutral Citation : Yes/No

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W.P.No.2414 of 2026

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WEB COPY

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