



WEB COPY

W.P. No.11704 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.11704 of 2026

and

W.M.P. Nos.12763 and 12765 of 2026

S.Krishnamoorthy
S/o.Sundaramurthy,
No.41/10, E.C.R. Thiruvanmiyur,
Chennai-600 041.

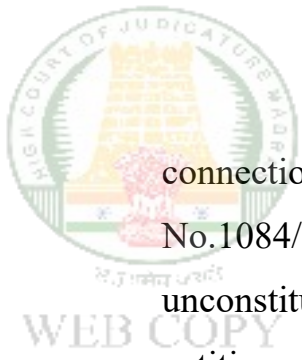
..Petitioner(s)

Vs.

1. The Managing Director,
Tamil Nadu State Marketing Corporation
(TASMAC), CMDA Tower-II,
Gandhi Irwin Bridge Road,
Egmore,Chennai-600 008.
2. The District Collector,
Chengalpattu District,
Collectorate office,
Chengalpattu-603 001.
3. The Regional Manager,
Chennai Region, Tamil Nadu State,
Marketing Corporation, No.735, IV floor,
LLA Building, Anna Salai,
Chennai-600 002.
4. The District Manager,
Kancheepuram South,
Tamil Nadu State Marketing Corporation,
(TASMAC) No.14 to 18,
SIDCO Industrial Estate, Sevillimedu Village,
Kancheepuram-631 502.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying for a writ of Certiorarified Mandamus calling for the records in



connection with the impugned order passed by the 4th respondent in Na.Ka. No.1084/ A3/ 2025 dated 13.03.2026 and to quash the same as arbitrary, illegal, unconstitutional and consequently direct the respondents to permit the petitioners to operate the bar attached to the TSMAC shop by opening the TASMAL Shop No.4381, situated at HIG Plot No.90, Survey No.388 Pavendhar Road, Maraimalai Nagar, Chengalpattu District based on the representations dated 17.02.2026 and 10.03.2026.

For Petitioner(s): Mr.Prabakaran
Senior Advocate
for Mr.MA.Gouthaman

For Respondent(s): Mr.K.Balakrishnan
Standing Counsel (for R1, R3 and R4)

Mr.V.Jeevagiridharan
Additional Government Pleader (for R2)

ORDER

The present writ petition is filed challenging the impugned proceedings dated 13.03.2026 by the 1st respondent whereby petitioner was directed to close Bar No.4381 situated at Plot No.9, Survey No.388, Pavendar Street, Ninakkarai Village, Maraimalai Nagar, Chengalpattu.

2. Learned counsel for petitioner would submit that he is the license holder to the Bar attached to TASMAL Shop and that the license period was valid till 31.12.2025. Petitioner would submit that he was the highest bidder. Petitioner would challenge the impugned order of closure on the premise that it is contrary to the directions of the Single Judge in W.P.No.4381 of 2026 and he



would also bring to the notice of this Court that prior to the above writ petition, a Public Interest Litigation came to be filed before this Court in W.P. No.4381 of 2026 directing relocation of the subject TASMACH Shop, the same was dismissed after finding as under:

“2. As to where a liquor shop should be located is governed by the Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003. The distances of the school and church, on petitioner’s own showing, does not come within the prohibited area. This is clear from a perusal of Rule 8 of the Rules, which provides that no shop shall be established in municipal corporations and municipalities within a distance of 50 metres and in other areas within 100 metres from any place of worship or educational institutions. The proviso relaxes the aforesaid criteria of distance restriction by providing that the same shall not apply to area designated as “Commercial” or “Industrial” by the Development or Town Planning Authorities.

3. In that view of the matter, we are unable to grant any relief to the petitioner. It is open to the petitioner to seek indulgence of the State for modification/amendment of the existing statutory policy with regard to location of liquor shop to the effect that liquor shop should not be allowed to be established on the side of the road which provides access to school for the school-going children.

Writ petition is dismissed. There shall be no order as to costs.”



2.1. From a reading of the above portions of the order, it appears that the limited liberty was granted only to seek modification/ amendment of the existing statutory policy regarding re-location of the liquor shop, however, thereafter certain objections were apparently raised regarding the location of the shop and petitioner was compelled to come to this Court seeking a direction to the respondents not to re-locate or close the subject TASMAL Shop in W.P. No.4381 of 2026. The learned Judge on hearing the matter was pleased to dispose of the writ petition with the following directions:

“In this writ petition, the petitioner seeks for a direction to the respondents not to relocate or close the TASMAL shop in question. The petitioner is having a bar license to run the TASMAL shop in question. The petitioner claims that his license expires only on 31.06.2026, and therefore, if the TASMAL shop in question is relocated or closed, it will be detrimental to his interest.

5. This Court is not expressing any opinion on the merits of the respective contentions of the petitioner as well as the complainant. No prejudice will be caused to the first respondent or the complainant if the petitioner’s objections not to relocate or close the TASMAL shop in question is considered on merits and in accordance with law. Accordingly, this writ petition is disposed of in the following manner:~

(a) The petitioner shall submit his written objections to the first respondent within a period of one week from the date of receipt of a copy of this order.

(b) On receipt of such written objections, the first respondent shall conduct an enquiry after hearing the petitioner and the



complainant as well, and pass final orders with regard to the request made by the complainant for closure of the TASMACH shop in question, on merits and in accordance with law, within a period of six weeks thereafter.

No Costs. W.M.P.No.4866 of 2026 is closed.”

3. Petitioner had submitted his objections on 17.02.2026, *inter-alia* highlighting the following:

“1. The shop was established after due approval and verification by the authorities.

2. The shop has been functioning without any violation of Rules or law and order issues.

3. I have made substantial financial investments based on valid license and official approvals.

4. My licence remains valid till 30.06.2026 and any premature relocation would cause severe financial hardship and irreparable loss.

5. The shop generates substantial daily revenue to the Government.

6. The legality of the present location has already been judicially examined.

7. The statutory distance rule under Rule 8 stands satisfied.

8. The High Court has refused to interfere with the location.

9. Any relocation without valid legal grounds would be unjust and contrary to the principles of fairness and natural justice.”



4. The impugned order is issued pursuant to the order passed by the District Collector dated 09.03.2026, which is one passed pursuant to the directions of this Court in W.P. No.4381 of 2026.

5. Mr.Jeevagiridharan, learned Additional Government Pleader for respondents would submit that the challenge to the impugned order without challenge to the order of the District Collector may not be appropriate, which was responded to by the Senior Advocate by stating that the order of the Collector dated 09.03.2026 was not even served and it is only now that they have a copy of the same and on perusal of the same, except from recording the participation of the petitioner on 07.03.2026, the objections submitted by the petitioner has nowhere been considered. Furthermore, he would also submit that the order of the District Collector has been marked to the District Manager and no copy has apparently been marked to the petitioner.

6. In any view, learned Additional Government Pleader would submit that the copy of the same would be furnished. When it was pointed out that even otherwise, impugned order may suffer from not complying with the directions of this Court in W.P.No.4381 of 2026 inasmuch as the objections of the petitioner has not been considered and thus suffer from violation of principles of natural justice. The learned Additional Government Pleader would then submit that the impugned communication directing closure may be set-aside and the



Director shall pass a fresh order after hearing the petitioner in order to avoid any uncertainty, he would suggest that the Director may be directed to appear before the District Collector.

7. It is also relevant to note that there is no quarrel over the factual position that the TASMAC Shop had remained open until the order of the District Collector dated 09.03.2026.

8. In the circumstances, the impugned order is set-aside. The petitioner shall appear before the District Collector on 09.04.2026 at 11.00 a.m. It is open to the petitioner to submit his objections, if any. The respondent authorities shall proceed to consider and pass appropriate orders afresh after hearing the petitioner and other interested parties, in accordance with law, within a period of two weeks thereafter.

9. The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MKA



To:

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Tamil Nadu State Marketing Corporation (TASMAC),
CMDA Tower-II, Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.
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W.P. No.11704 of 2



MOHAMMED SHAFFIQ J.

MKA

W.P. No. 11704 of 2026

27-03-2026