



WEB COPY

WP No. 47120 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 09-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WP No. 47120 of 2025**

**AND**

**WMP NO. 52667 OF 2025**

M.Mani

S/o.Marimuthugounder, Karuppureddiyur Post,  
Mettur Taluk, Salem District- 636 402.

..Petitioner(s)

Vs

1. The District Collector,  
Salem District.
2. The Managing Director  
TASMAC Ltd, CMDA Tower- II, IV Floor,  
Gandhi Irwin Bridge Road, Egmore,  
Chennai-600 008.
3. The Senior Regional Manager,  
TASMAC Ltd, No.56, Brindavan Road,  
Fairlands, Salem-636 016.
4. The District Manager  
TASMAC Ltd, 87/5, Sandiyur Village,  
A.Attaiyampatti Village, Salem-636 203.
5. Govindharaju  
S/o.Late K.Rajappan, S.No.145/4b1, P.Nalla  
Goundanpatti, Mettur Taluk, Salem District-  
636 402.
6. Madheswari  
W/o.Rathinam, S.No.145/4a And B, P.Nalla  
Goundanpatti, Mettur Taluk, Salem  
District-636402.
7. R.Arun Kumar  
S/o.Late K.Rajappan, No.1-2-1-3.Mariannan



Kaattuvalavu, Pudureddiyur, Karuppureddiyur  
Post, P.N.Patty Village, Mettur, Salem  
District- 636 402.

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..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of 1st respondent made in Na.Ka.3753264/ 2025/Ka2, dated 14.10.2025 and quash the same, consequently direct the respondents 1 to 4 to remove or relocate the TASMAL bearing Shop No.7402 attached with bar in Survey No.145/4B1 and 145/6, P Nalla Goundan Patti village, Mettur Taluk, Salem District.

For Petitioner(s): Mr.M.Mathan Raj

For Respondent(s): MR.V.Jeevagiridharan,AGP FOR R1  
Mr.S.VISWANATHAN, FOR R5 TO R7  
MR.M.SEKAR, STANDING COUNSEL FOR R2  
TO 4

### Order

The present Writ Petition has been filed to call for the records relating to the impugned order of 1st respondent made in Na.Ka.3753264/ 2025/Ka2, dated 14.10.2025 and quash the same and consequently direct the respondents 1 to 4 to remove or relocate the TASMAL bearing Shop No.7402 attached with bar in Survey No.145/4B1 and 145/6, P Nalla Goundan Patti village, Mettur Taluk, Salem District.



2. The learned counsel for the petitioner would submit that the subject TASMAC shop is situated in the agricultural land adjacent to his agricultural land, as a result of which, women agricultural workers are reluctant to work in the surrounding fields including the land belonging to the petitioner. He would further submit that the subject TASMAC shop and bar has become a source of public nuisance and the liquor bottles are littered in the agricultural lands. The TASMAC shop has been illegally set up without complying with the procedure contemplated under the Tamil Nadu Town and Country Planning Act, 1971, in as much as no approval has been obtained for running the TASMAC shop in the agricultural land. He would further submit that despite the fact that in his representation dated 31.05.2025, he had raised a specific plea that the TASMAC shop has been put up in the agricultural land without obtaining appropriate permission, which by itself is impermissible. However, the impugned order does not even deal with the above aspects.

3. The learned Standing Counsel for respondents 2 to 4 would submit that the Division Bench of this Court in W.P.No.4136 of 2019 dated 06.12.2019, has clarified that it is permissible for putting up the liquor shop in the agricultural land and there is no embargo as such. Having said that, the Division Bench also proceeded to record that however, appropriate permission should be obtained under the law for the time being in force, including a building plan approval, if



any, mandated in law. The relevant paragraphs of the said judgment is extracted hereunder:

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*"12. On the first issue, we have examined the provisions of the 1937 Act and the 2003 Rules and in view of the disclosures made in the affidavits of the fourth respondent, we do not find any such prohibition or restriction of the utilization of premises established/ constructed over agricultural land for the said purpose. The State Government has the power to impose reasonable restrictions that may fall within the scope of Article 19(2) read with 19(6) of the Constitution of India. But, in the present case, while prescribing the location of shops under the 2003 Rules, we do not find any such restriction having been imposed and, therefore, it may not be possible for this Court to imply the existence of any such restrictions regarding liquor vending shops in rented premises situate over agricultural land.*

*13. We are, therefore, of the clear opinion that a liquor vending shop can be housed in a premises that may be situate over an agricultural piece of land, subject to the conditions and restrictions which are required for the utilization of such land in accordance with the Rules and Regulations, referred to herein above, and as detailed in the affidavits filed by the fourth respondent.*

*14. On the second issue, the argument advanced on behalf of the petitioner deserves acceptance, inasmuch as vending of liquor is an obnoxious trade and has also social*



*and moral dimensions and consequently the restrictions placed by law have to be abided by in the strict sense in order to ensure that liquor vending shops are not located in a premises, even if situate over agricultural land, unless an appropriate permission under the law for the time being in force, including a building plan approval exists. To that extent, the authorities are bound to take measures before finally renting out any premises, which we find is the process now adopted after issuance of directions by this Court.”*

4. The learned counsel for the respondents 5 to 7 would submit that they have requisite permission for running the TASMACH shop. As stated supra, the above aspect has not been examined.

5. The learned Additional Government Pleader for the first respondent would submit that they would re-consider the matter on the above aspects and pass orders in accordance with law keeping in view the related provisions, rules and regulations and also the judgment of the Division Bench of this Court in W.P.No.4136 of 2019 dated 06.12.2019.

6. Agreed to by the learned counsel for the petitioner, as well as the learned counsel for the respondents 2 to 4.



7. Recording the same, this Writ Petition stands disposed of with a direction that the representation of the petitioner can be considered afresh, including the aspect whether legally it is permissible to have the subject TASMAL shop in its present location, after affording an opportunity to the petitioner, the respondents 5 to 7 and any other interested party. The above exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

**09-03-2026**

Index: Yes/No

Neutral Citation: Yes/No

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**MOHAMMED SHAFFIQ J.**

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