



WEB COPY

WP No. 48789 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.48789 of 2025

Pallavaram 13th Ward Kudiyirupor Pothu Nala
Sangam /9reg. No.81/2023)
Rep. By Its President S.P. Gandhi, No.7/2,
Pillaiyar Koil Street, Esa Pallavaram, Chennai-600
043.

..Petitioner(s)

Vs

1. The District Collector
Chengalpattu District, Chengalpattu.
2. The Tamil Nadu State Marketing Corporation
Limited (Tasmac)
Rep. By Its Managing Director, Thalamuthu
Natarajan Maaligai, Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The District Manager
The Tamil Nadu State Marketing Corporation
Limited (tasmac), Chengalpattu District,
Chengalpattu.
4. The Inspector Of Police
Pallavaram Police Station, Pallavaram,
Chennai-600 043.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 2 and 3 to relocate and / or close the impugned TASMAL Retail vending shop No.4376 situated at No.88, GST Road, Pallavaram, Chennai-600 043 and shop No.4087 situated at No.1, Valluvarpet 4th street, Pallavaram, Chennai-600 043 based on the petitioners representation dated 13.10.2025 and consequently to direct the



respondents to ensure that not to open the TASMAL shops in the GST Road, Pallavaram.

For Petitioner(s):

Mr.Ram
for Mr.S.Sivakumar

For Respondent(s):

Mr.Yogesh Kannadasan
Special Government Pleader (for R1)
Mr.K.Balakrishnan
Standing Counsel (for R2 & R3)
Mr.C.Baskaran
Government Advocate (Crl. Side) (for R4)

ORDER

Today, the case is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. It is submitted by the learned counsel for petitioner that the writ petition was disposed of vide order dated 25.03.2026 and requested that specific time period to be stipulated by this Court to dispose of petitioner's representation.

3. The learned counsel for respondents submitted that he has no objection to the above submission of the learned counsel for petitioner.

4. Heard both sides.



5. In view of the said submission made by the learned counsel for petitioner, 7th paragraph of the order in W.P.No.48789 of 2025 dated 25.03.2026, is substituted with the following paragraph:

“ 7. In that view of the matter, this Court is not inclined to accede to the petitioner’s request for issuance of a positive direction to relocate the shops for that would effectively amount to usurping powers, which is otherwise vested with Collector under the relevant Rule. District Collector shall consider the representation made by petitioner on 13.10.2025 and pass appropriate orders (or) petitioner may move before the Collector in this regard. The above exercise shall be carried out within a period of 6 weeks from 27.04.2026.”

6. Except the above modification, all other paragraphs made in the earlier order dated 25.03.2026 shall remain intact. Registry is directed to carry out necessary corrections and issue the corrected order copy to the parties forthwith.

27-04-2026

MKA



To:

1.The District Collector,
Chengalpattu District, Chengalpattu.

2.The Managing Director,
The Tamil Nadu State Marketing
Corporation Limited (Tasmac),
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road, Egmore, Chennai-600 008.

3.The District Manager,
The Tamil Nadu State Marketing
Corporation Limited (Tasmac),
Chengalpattu District,
Chengalpattu.

4.The Inspector of Police
Pallavaram Police Station,
Pallavaram, Chennai-600 043.

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 48789 of 2025

Pallavaram 13th Ward,
Kudiyirupor Pothu Nala Sangam
(Reg.No.81/2023)
Represnted by its President S.P. Gandhi,
No.7/2, Pillaiyar Koil Street,
Esa Pallavaram,
Chennai-600 043.

..Petitioner

Vs

5. The Distirct Collector,
Chengalpattu District, Chengalpattu.
6. The Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Represented by its Managing Director,
Thalamuthu Natarajan Maaligai,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
7. The District Manager,
The Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Chengalpattu District, Chengalpattu.
8. The Inspector of Police
Pallavaram Police Station,
Pallavaram, Chennai-600 043.

..Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 2 and 3 to relocate and / or close the impugned TASMACH Retail vending shop No.4376 situated at No.88, GST Road, Pallavaram, Chennai-600 043 and shop No.4087 situated at No.1, Valluvarpet 4th street, Pallavaram, Chennai-600 043 based on the petitioner's representation dated 13.10.2025 and consequently to direct the respondents to ensure that not to open the TASMACH shops in the GST Road, Pallavaram.

For Petitioner : Mr.Ram
for Mr.S.Sivakumar

For Respondents: Mr.Yogesh Kannadasan Spl.G.P for R1
Mr.K.BALAKRISHNAN, for R2 AND 3
Mr.C.Baskaran GA (CRL.SIDE), for R4

ORDER

The present writ petition has been filed for a direction to respondents 2 and 3 to relocate and/or close impugned TASMACH Retail vending shop No.4376 situated at No.88, GST Road, Pallavaram, Chennai-600 043 and shop No.4087 situated at No.1, Valluvarpet 4th street, Pallavaram, Chennai-600 043 based on petitioner's representation dated 13.10.2025 and consequently direct respondents to ensure that TASMACH shops in GST Road, Pallavaram are not open.

2. Learned counsel for petitioner would place reliance upon the judgment of the Hon'ble Supreme Court in the case of *Mahendra Prasad Agarwal vs*



Arvind Kumar Singh & Others, dated 10.02.2026 to suggest that he would want this Court to pass a positive direction, closing down subject TASMAL shops.

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3.1. The case of petitioner is that TASMAL retail vending shop Nos.4376 and 4087 situated at GST Road, Pallavaram which is a National Highway NH-45. TASMAL shop No.4387 is situated at No.88, GST Road, Pallavaram and TASMAL shop No.4087 is situated at No.1, Valluvarpet, 4th Street, Pallavaram. GST road is a major arterial road connecting Chennai to southern districts and distance between the two TASMAL shops is less than 500 meters and both shops are facing GST road in Pallavaram Town. Petitioner association was registered on 20.02.2023 with the objective of maintaining the welfare, safety and peaceful living environment of residents of 13th Ward in Pallavaram town. TASMAL shops are situated in close and unacceptable proximity to residential buildings, apart from a private hospital which is situated about 21 meters from Shop No.4376, Mathaamman Allayam and Krishna temple is situated about 50 meters from the said shop. In between the two TASMAL shops, viz., 4376 and 4087 a mosque “Masjid Madina” is located, which is about 21 meters from shop No.4376 and 42 meters from Shop No.4037.

3.2. Subject TASMAL shops are causing nuisance since its customers clog roads, have loud conversations, get into argument/brawls, etc. Petitioner association has given a representation to Pallavaram constituency MLA who in



turn has sent a representation dated 25.09.2025 to Minister of Housing and Prohibition and Excise Department. In response Deputy Commissioner of Excise, Chengalpattu has given a reply on 26.09.2025 that action will be taken soon on the above representation. In these circumstances, petitioner filed this writ petition seeking a direction respondents 2 and 3 to relocate and close the TASMAC retail vending shop Nos.4376 and 4087.

4. The above shop has been in existence since 2013 i.e. for almost thirteen years and it is the first time that there is an objection to the location of the TASMAC shop. Location of shop is governed by Rule 8 of the Tamil Nadu Liquor Retail Vending (in Shops and Bars) Rules, 2003 and shifting of shops is governed by Rule 9.

5. From a reading of above provision, it appears that the authority to shift the shop is vested with the Collector and a representation dated 13.10.2025 has also been made to the Collector. This Court is conscious of its limitation while issuing a writ of Mandamus, when discretion/power is vested with a statutory authority, this Court under Article 226 of Constitution cannot exercise the power so vested in the statutory authority for it should be left to authority concerned to exercise such power. The petitioner having approached the District Collector, any decision on the aspect of relocation or closing of the TASMAC shops ought to be taken only by District Collector.



6. Importantly, the above submission regarding location of TASMALC are made without any supporting material with regard to distance from place of worship/school, except for a rough sketch drawn by petitioner, which is not even a scaled sketch. While petitioner would submit that location of TASMALC shops are in violation of minimum distance prescribed in terms of Rule 8 of The Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003, learned counsel for respondents would submit that it is in fact compliant with Rule 8 of The Tamil Nadu Liquor Retail Vending (In Shops and Bars) Rules, 2003. It is thus a disputed question of fact, which cannot be decided by this Court under Article 226 of Constitution of India.

7. In that view of the matter, this court is not inclined to accede to petitioner's request for issuance of a positive direction to relocate the shops for that would effectively amount to usurping powers, which is otherwise vested with Collector under the relevant Rule. District Collector shall consider representation made by petitioner on 13.10.2025 and pass appropriate orders (or) petitioner may move before the Collector in this regard.



8. Accordingly, the writ petition stands disposed of .

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

MRN

To

1.The Distirct Collector,
Chengalpattu District, Chengalpattu.

2.The Managng Director, Thalamuthu Natarajan Maaligai,
The Tamil Nadu State Marketing Corporation
Limited (TASMAC),
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