



W.P.(MD)No.3233 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2026**

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.3233 of 2026 &
W.M.P(MD)Nos.2656 & 2658 of 2026

Kumutham

...Petitioner

vs.

1. The Commissioner of the Prohibition
and the Excise Department,
Chepauk, Chennai.

2. The District Collector,
Theni District,
Theni.

3. The District Manager,
Tamil Nadu State Marketing Corporation Limited,
TASMAC,
IMFS Godown,
Karvelnaickenpatti,
Theni District.

4. Radha

5. Prabu

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the 1st respondent in Se.Mu.Aa.No. Ma(Ma) Aa9(1)/5347/2025 dated 30.10.2025 confirming the impugned order passed by the 2nd respondent in Na.Ka.No.11474/2025/P1 dated 26.06.2025 and in



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furtherance directing the respondents 1 to 3 to close the TASMAL Retail Outlet No.8620 and Bar situated in Agricultural Land belonging to the 4th respondent in Survey No.436/5A at Mayiladumparai Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.K.Balasubramani,
Special Government Pleader
for R1 and R2
Mr.S.Sivanesan for R3

ORDER

This Writ Petition has been filed challenging the impugned order of the first respondent in Se.Mu.Aa.No.Ma(Ma)Aa9(1)/5347/2025, dated 30.10.2025, confirming the impugned order of the second respondent in Na.Ka.No.11474/2025/P1, dated 26.06.2025 and to direct the respondents 1 to 3 to close the TASMAL Retail Outlet No.8620 and Bar situated in Agricultural Land belonging to the 4th respondent in Survey No.436/5A at Mayiladumparai Village, Andipatti Taluk, Theni District.

2. The learned counsel appearing for the petitioner would submit that, in the present case, the subject TASMAL shop was set up without obtaining planning permission and also next to an agricultural land. He would submit that the customers who are coming and purchasing liquor are throwing the



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bottles in the petitioner's agricultural land. Due to the broken bottles, not only the petitioner, but also the labourers who are coming to agricultural work are also suffering and it is difficult for them to carry on with the agricultural activities. Hence, the present petition.

3. The learned counsel appearing for the third respondent would submit that, now, appropriate measures have been taken and the entire 20 cents of land has been fenced and hence, the question of throwing the bottles into the agricultural land of the petitioner would not come into picture. According to the learned counsel, inside the subject TASMACH shop no one is allowed to consume the alcohol and therefore, there is no possibility of throwing bottles and the interest of the petitioner is now protected. As far as the planning permission is concerned, he would submit that necessary approval has been obtained and he has also produced the plan approval before this Court.

4. Upon hearing either sides, this Court is of the view that the main grievance of the petitioner has been addressed by fencing the entire 20 cents of land. Therefore, the question of throwing the bottles into the petitioner's agricultural land would not come into picture and hence the interest of the petitioner would be protected. It appears that necessary plan approval was



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also obtained before establishing the shop. In such circumstances, this Court is inclined to dispose this Writ Petition by recording the submissions of the learned counsel for the third respondent.

5. Accordingly, by recording the submissions of the learned counsel for the third respondent, this Writ Petition is disposed of. It is made clear that it is the responsibility of the second respondent to monitor if any bottles are being thrown out into the petitioner's land and if so, collect all the bottles by making appropriate arrangements and also see that, no bottles are thrown out into the petitioner's agricultural land in future. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

mbi

To

1. The Commissioner of the Prohibition
and the Excise Department,
Chepauk, Chennai.

2. The District Collector,
Theni District,
Theni.



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KRISHNAN RAMASAMY, J.

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