

(2013) 09 MAD CK 0035

In the Madras High Court

Case No : Writ Petition (MD) No. 13228 of 2013 and M.P. (MD) No's. 1 and 2 of 2013

S. Denisraj

APPELLANT

Vs

The District Collector and The Senior Regional Manager,
TASMAC Ltd.

RESPONDENT

Date of Decision : 11-09-2013

Acts Referred:

Citation : (2013) 09 MAD CK 0035

Hon'ble Judges : M. venugopal, J;M. Jaichandren, J

Bench : Division Bench

Advocate : V. Nagendran, for the Appellant; K. Baskara Pandian, Special Government Pleader for Respondent-1 and Mr. Muniasamy for Respondent -2, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—Heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on

behalf of the first respondent, as well as the learned standing counsel appearing on behalf of the second respondent. Mr. V. Nagendran, the

learned counsel appearing on behalf of the petitioner, had submitted that this Court may be pleased to issue a Writ of prohibition, prohibiting the

respondents from the shifting the TASMAC shop, bearing No. 10337, to Kallamettu Street, Kallakudi, Lalgudi Taluk, Trichy District or to restrain

the respondent from establishing a new liquor outlet at No. 8, Chidambaram Road, Kallakudi, Lalkudi Taluk, Trichirapalli District.

2. The main contention of the learned counsel appearing on behalf of the petitioner is that there is a pipe line supplying drinking water to the public

at large close to the TASMAC shop, bearing No. 10337. The learned counsel had also stated that there is a girls hostel by the name ""Holly Cross

Girls Hostel"", within 30 meters from the shop and a temple by the name Arulmigu Karuppannasamy temple is situated within 70 meters from the

said shop. It is also stated that a community hall is located within 60 meters from the shop and a nursery school is also functioning within the prohibited distance.

3. In view of the said submissions made by the learned counsel appearing for the petitioner, this Court had appointed an Advocate Commissioner

to inspect the area in question and to measure the distance of the various places mentioned in the affidavit filed in support of the writ petition and to

prepare a map showing the liquor shop in question. Accordingly, the Advocate Commissioner had filed a report, before this Court, dated

03.09.2013. From the report of the Advocate Commissioner, dated 03.09.2013, it could be seen that the Karuppusamy Temple is situated at a

distance of 148.5 meters and Punitha Siluvai Kanniyar Illam is situated at a distance of 129.3 meters from the TASMAC shop. It could also be

seen that Saveriyar Samuthaya Koodam (Saveriyar Society Hall), which is a private building is situated at a distance of 155 meters from the

TASMAC shop in question. It has also been noted that Beulah Nursery and Primary School is located at a distance of 257 meters from the shop

in question. Thus, it could be seen that that the TASMAC shop in question is not located within the area prohibited under the Tamil Nadu Liquor

Retail Vending (in shops and Bars) Rules, 2003.

4. The learned counsel appearing on behalf of the petitioner has not been in a position to show that the TASMAC shop, located at No. 8,

Chidambaram Road, Kallakudi, Lalkudi Taluk, Tiruchirappalli District, has been established contrary to the Tamil Nadu Liquor Retail Vending (in

shops and Bars) Rules, 2003 and that it is causing nuisance to the persons residing in the locality in question. Hence, we do not find any merit in the

contentions raised on behalf of the petitioner. In such view of the matter, we find it appropriate to dismiss the writ petition as it is devoid of merits.

Hence, the Writ Petition stands dismissed. No costs. Consequently, connected M.Ps. are also dismissed.