

Order dt. 04.05.2020 in WP No.7565 of 2020
[R.Dhanasekaran v. The Chief Secretary,
Government of Tamil Nadu]

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2020

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THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.7565 of 2020

R.Dhanasekaran

.. Petitioner

Vs.

1. The Chief Secretary
Government of Tamil Nadu
Fort St. George
Chennai 600 009.

2. The Additional Chief Secretary
Ministry of Home, Prohibition & Excise
Government of Tamil Nadu
Fort St. George
Chennai 600 009.

3. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
CMDA Building
Egmore
Chennai 600 008.

.. Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the second respondent to notify and announce total prohibition of Alcohol, manufacture, sale and consumption in the State.

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For Petitioner : Mr.M.L.Ravi
For Respondents : Mr.Vijay Narayan
Advocate General
Assisted by
Mr.Sathish, Govt. Advocate

ORDER

(Made by Dr.Vineet Kothari,J)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 30th April 2020, by Judges at the respective residence offices and the counsel, staff of the Court appearing from their respective residences.

2. Heard Mr.M.L.Ravi, learned counsel appearing for the petitioner and Mr.Vijay Narayan, learned Advocate General appearing for the State.

3. The learned counsel for the petitioner urged that the State is likely to re-open the liquor shops and it is not in the interest of the general public. He submitted that due to the prohibition imposed during the lockdown period due to COVID-19, people have become accustomed

to not taking liquor and that the said practice may continue to save several ills and crimes in the Society and therefore, he seeks a direction to the State to impose complete prohibition on the sale of liquor in the State, referring to Article 47, Part IV of the Constitution of India.

4. The learned Advocate General submitted that the State has enacted its own legislation, namely Madras Sale of Liquor Act, 1937 and thereafter, 2003 Rules have been framed for opening of TASMAC shops to sell liquor. The learned Advocate General said the Act empowers the State to open the liquor shops and carry on the said business and without any basis, the petitioner cannot challenge the same and it is a matter of State Policy and therefore, this Court should not interfere with the same. He further submitted that the people have indulged in the manufacture of illegal liquor, which causes severe health hazard and harm to those who consume such illegally manufactured liquor.

5. Having heard the learned counsel on both sides, this Court is not inclined to interfere with the matter of State Policy of opening or re-opening of the State liquor shops at this point of time, since the Central Government has already indicated allowing re-opening of the liquor

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shops in the present stage of Covid lockdown and the State is likely to take a decision in this regard soon. Further, Article 47 of the Constitution of India is not an enforceable right of the petitioner and therefore, it does not give rise or any cause of action of the petitioner to seek any Mandamus under Article 226 of the Constitution of India. Accordingly, we do not find any merit in the present writ petition. Accordingly, the writ petition is dismissed. No costs.

(V.K.J.) (P.S.N.J.)
04.05.2020

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To

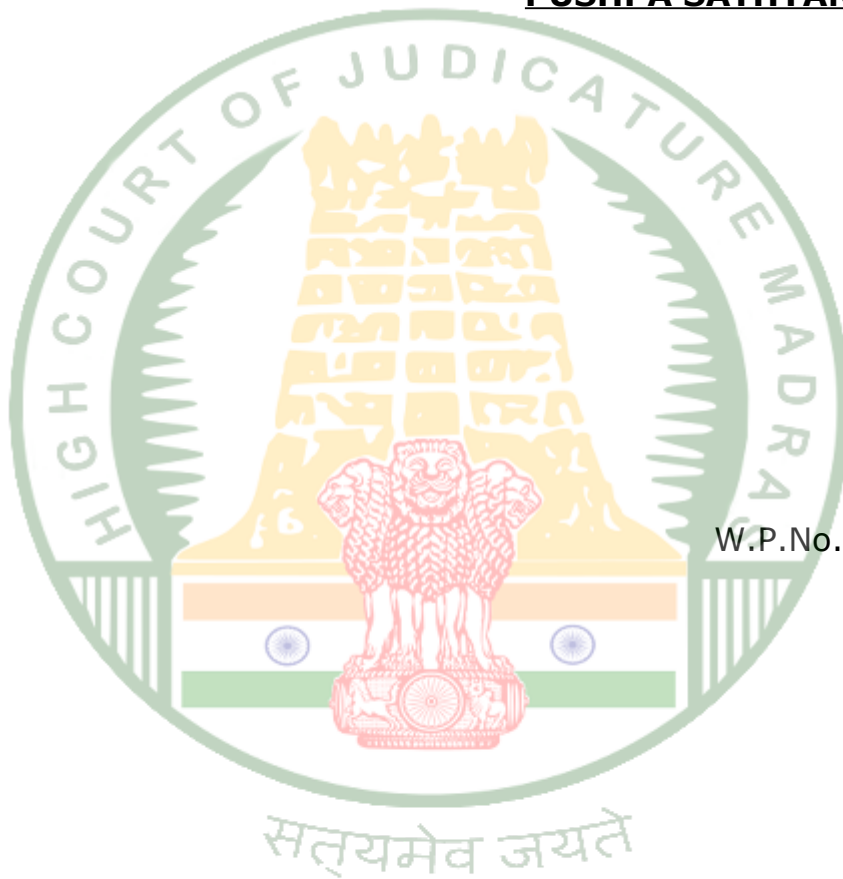
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Dr.VINEET KOTHARI,J,
and
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