

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

W.P.No.11418 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Anbarasan

... Petitioner

Vs

1. Government of Tamil Nadu rep. by its Principal Secretary, Department of Home, Prohibition and Excise, Secretariat, Rajaji Salai, Fort St. George, Chennai - 9.
2. Government of Tamil Nadu rep. by its Secretary to Government, Revenue Department, Rajaji Salai, Fort St. George, Chennai - 9.
3. The District Collector, Collectorate, Kancheepuram District.
4. The District Manager, TASMAL Ltd., North Kancheepuram, Kancheepuram.
5. The Managing Director, TASMAL Ltd., CMDA Tower II, IV Floor, Gandhi Irwin Bridge Road, Egmore, Chennai - 8.
6. T.V.Nagar Industrial Estate Owners Association rep. by its Secretary

...Respondents

Writ petition filed under 226 of the Constitution of India for the issuance of writ of certiorarified mandamus to call for the records pertaining to the order passed by the third respondent dated 06.01.2015 in proceedings bearing No.Ka.Ka.18102/2014 V1 and quash

the same and consequently direct the third respondent to consider and pass suitable orders in accordance with law on the representation of the petitioner dated 05.03.2015.

For Petitioner : Mr.K.V.Sundararajan

For Respondents : Mr.M.S.Ramesh,
Addl. Govt. Pleader for R1 to R3
Mr.B.Nedunchezian for R4 & R5
Mr.P.Srinivas for R6

ORDER

This writ petition has been filed by the petitioner seeking a writ of certiorarified mandamus to quash the order passed by the third respondent dated 06.01.2015 and consequently direct the third respondent to consider and pass suitable orders in accordance with law on the representation of the petitioner dated 05.03.2015.

2.It is the case of the petitioner that it was advertised by the TASMAL authorities that the Shop No.4442 situate at Edaiyarpakkam Village was sought to be shifted by TASMAL on the ground of loss of revenue and therefore, he has made an application dated 28.02.2014 to the fifth respondent to consider the request of shifting the shop to No.12, T.V.Nagar, Mugalivakkam, Chennai. Subsequently, the proposal of the petitioner was forwarded to the third respondent, who in turn, sought for report from the revenue authorities. Believing that the proposal would be accepted, the petitioner spent huge amount towards rent and other expenses. While so, the sixth respondent filed a writ petition in W.P.No.21064 of 2014 and by order dated 28.10.2014, this Court directed the authorities to consider the representation dated 10.03.2014. It is the further case of the petitioner that at the instance of the sixth respondent, the third respondent has passed an order of refusal dated 06.01.2015, which is impugned in this writ petition. Aggrieved against the same, the petitioner has come up with this writ petition.

3.On behalf of the respondents 1 to 3, counter affidavit has been filed, wherein it is stated that due to poor sales, the shop in question was closed and because of the objection raised by the general public, the impugned order was passed.

4.Sustaining the impugned order, the sixth respondent Association has filed counter affidavit. Learned counsel for the sixth respondent would rely on the decision of Madurai bench of this Court in G.Kanaga Bai Vs. The District Collector, Kanyakumari District and Others (2013 (5) CTC 141), wherein, it has been held that the authorities are bound to respect the sentiments of people.

5.Heard the learned counsel for the petitioner and the learned counsel for the respective respondents.

6. On the face of it, this Court is of the view that the prayer sought for by the petitioner cannot be considered. It is for the authorities to have a particular shop in a particular area or to shift the same to some other place. The only grievance of the petitioner is that on the basis of the inspection conducted and certificate issued by the authorities to the effect that the petitioner's place is suitable for shop, he was under the bonafide impression that his proposal would be accepted.

7. Without going into the merits of the representation, the third respondent is directed to consider the representation of the petitioner dated 05.03.2015 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court is not expressing any opinion with regard to shifting of shop to the place proposed by the petitioner.

8. With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

mmi

s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary to Government,
Department of Home, Prohibition
and Excise, Secretariat,
Rajaji Salai, Fort St. George,
Chennai - 9.
2. The Secretary to Government,
Revenue Department,
Rajaji Salai, Fort St. George,
Chennai - 9.
3. The District Collector,
Collectorate, Kancheepuram District.
4. The District Manager,
TASMAC Ltd., North Kancheepuram,
Kancheepuram.
5. The Managing Director,
TASMAC Ltd., CMDA Tower II,
IV Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai - 8.

+ 1 cc to M/s.K.V.Sundararajan, Advocate SR 45300

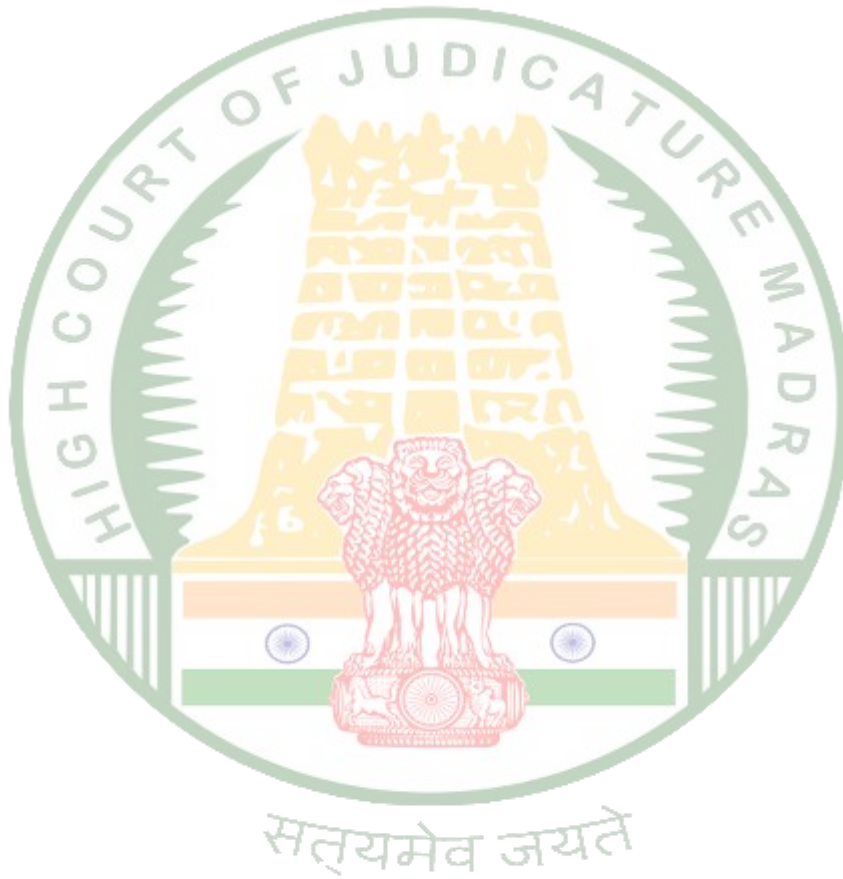
+ 1 cc to M/s.B.Nedunchezhiyan, Advocate SR 45324

+ 1 cc to M/s.P.Srinivas Advocate SR 45732

+ 1 cc to the Government Pleader, High Court, Madras SR 45402

ala(co)
prk4/9

W.P.No.11418 of 2015



WEB COPY