

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16008 of 2015

S.Yuvaraj,
President of Chennai Aminjikai
Lorry Owners Welfare Association,
Next Pandiyan Hotel, 1st Floor,
No.1A/103, Poonamallee High Road,
Vanagaram,
Chennai-600 094. ... Petitioner

-vs-

1. The Commissioner of Prohibition & Excise,
Chepauk,
Chennai-600 005.
- 2.The Managing Director,
Tamil Nadu State Marketing Corporation Limited
(TASMAC)
4th Floor, CMDA Tower - II,
Egmore.
- 3.The District Manager,
Tasmac Retail Vending Shops,
Tasmac Limited,
Cuddalore District,
Cuddalore.
- 4.The District Collector,
Cuddalore District,
Cuddalore.
- 5.National High Ways Authority of India,
rep. by its Chairman/Secretary,
G5 & 6, Sector 10, Dwaraka,
New Delhi - 110 075. .. Respondents

Petition under Article 226 of the Constitution of India praying
for issue of Writ of Mandamus directing the respondents to remove or
close the Tasmac shops bearing Nos.2641, 2642 and 2645 situated in NH

45, Chennai to Trichy Main Road, at Ramanatham by considering petitioner's representation dated 09.04.2014 forthwith.

For Petitioner : Mr.K.Balu

For Respondents : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugha sundar for R1, R4

Mr.S.Muthuraj for R2 & R3

Mr.Richardson Willson
for
M/s.P.Willson Associates.

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The District Collector, Cuddalore/Respondent No.4 has filed the counter-affidavit that in respect of three TASMAL shops in question bearing Nos.2641, 2642 and 2645, an inspection was carried out by the Assistant Commissioner (Excise), Cuddalore and the National Highways Authority of India has also opined as per its guidelines. So far as shop No.2642 is concerned, closure order has been issued on 11.07.2015 since undisputedly it is on the National Highways. The other two shops are on State Highways, but are stated to be shifted to the other locations vide office order dated 11.07.2015.

2. We are informed that the issue of requirement of following the guidelines of National Highways Authority of India qua the State Highways is pending before the Hon'ble Supreme Court.

3. The learned counsel for the petitioner expresses his concern that often what happens is, even after the closure of the shops, they operate from the back door. This aspect would be attended to by respondent No.4/District Collector, Cuddalore to ensure that there is a proper closure.

4. It appears that the aforesaid problem may not be confined to these two closed shops, but may be prevalent even in other areas as per the submissions of the learned counsel for the petitioner. We, thus, call upon the State Government to issue necessary office orders that wherever such shops are re-located after the closure, the District Collector should keep a check to ensure that the concerned orders are duly complied with and the shops do not operate surreptitiously.

5. The writ petition, accordingly, stands closed. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

bbr

To

1. The Commissioner of Prohibition & Excise,
Chepauk,
Chennai-600 005.
2. The Managing Director,
Tamil Nadu State Marketing Corporation Limited
(TASMAC)
4th Floor, CMDA Tower - II,
Egmore.
3. The District Manager,
Tasmac Retail Vending Shops,
Tasmac Limited,
Cuddalore District,
Cuddalore.
4. The District Collector,
Cuddalore District,
Cuddalore.
5. The Chairman/Secretary,
National High Ways Authority of India,
G5 & 6, Sector 10, Dwaraka,
New Delhi - 110 075.

- +1 cc to Mr.K.Balu, Counsel for the Petitioner, sr.35248
+1 cc to Govt. Pleader, sr.35301
+1 cc to Mr. Muthuraj, Counsel for 2nd & 3rd respondent, sr.35237.
+1 cc to M/s.P.Wilson Associates for R5. sr.35362.

vgi(co)
kra(27/07)

W.P.No.16008 of 2015

WEB COPY