

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19674 of 2015

M.Thenmozhi

.. Petitioner

Versus

- 1 The District Collector  
Cuddalore District
- 2 The District Tasmac Manager  
TASAMAC Office Cuddalore District
- 3 The Divisional Excise Officer  
Virudhachalam Cuddalore District
- 4 The Assistant Commissioner  
(Excise) Excise Office Cuddalore District
- 5 The Supervisor  
TASMAC Shop No.2482 Tittakudi Town  
Cuddalore District .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 1st respondent to conduct the enquiry against the respondents 2 to 5 and grant of compensation to the petitioner based on the representation of the petitioner dated 28.4.2015.

For Petitioner : Mr.K.Murugesan

For Respondents : Mr.R.A.S.Senthilvel (for R1, R3 & R4)  
Additional Government Pleader  
Mr.S.Muthuraj (for R2 and R5)  
Standing Counsel

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner would state that on 05.11.2014, he applied to the 1<sup>st</sup> respondent, to run a TASMAC shop and vide proceedings dated 30.01.2015, the 1<sup>st</sup> respondent has ordered the shifting of the TASMAC Shop No.2482 from Gangaikondan Village, Virudhhachalam Taluk to some other place in the same District, based on the report submitted by the respondents 2 and 3. The 3<sup>rd</sup> respondent also

visited the said premises on 14.01.2015 and after being satisfied with the infrastructure and stability of the building and compliance of other norms, made a recommendation to the 4<sup>th</sup> respondent. Based on it, the 2<sup>nd</sup> respondent vide letter dated 27.12.2014, made a positive recommendation and forwarded the same to the 1<sup>st</sup> respondent for approval of shifting the TASMACH Shop No.2482 to the petitioner's building at S.No.132/5, T.Elamangalam, Tittakudi Taluk, Cuddalore District. The 1<sup>st</sup> respondent has favourably considered the recommendation of the 2<sup>nd</sup> respondent and passed an order dated 30.01.2015. The 5<sup>th</sup> respondent has shifted the TASMACH Shop to the building of the petitioner on 06.02.2015 and it was successfully running for more than 1 ½ months.

3. The grievance expressed by the petitioner is that without any rhyme or reason, the concerned respondent suddenly took a decision and vacated the TASMACH Shop No.2482 from the petitioner's building without giving any prior notice or prior information to the petitioner and on account of the same, she suffered a huge loss of income and to recoup the same, she submitted a representation dated 28.04.2015, to the respondents 1 to 5 and since, she was not favoured with any response, came forward to file this writ petition.

4. Heard the submissions of Mr.K.Murugesan, learned counsel appearing for the petitioner, Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of respondents 1,3 and 4 and Mr.S.Muthuraj, learned Standing counsel, who accepts notice on behalf of respondents 2 and 5.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the representation, directs the 1<sup>st</sup> respondent to consider the representation dated 28.04.2015, submitted by the petitioner, in accordance with law, after putting on notice the persons concerned and pass orders, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons concerned.

6. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

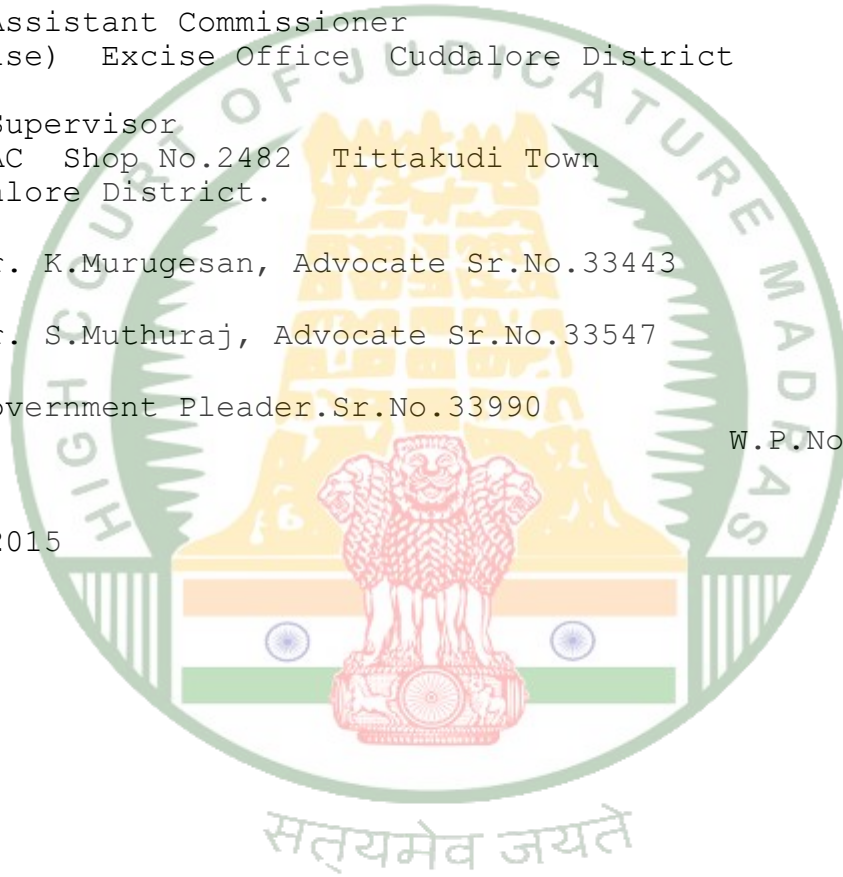
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To

- 1 The District Collector  
Cuddalore District
  - 2 The District Tasmac Manager  
TASAMAC Office Cuddalore District
  - 3 The Divisional Excise Officer  
Virudhachalam Cuddalore District
  - 4 The Assistant Commissioner  
(Excise) Excise Office Cuddalore District
  - 5 The Supervisor  
TASMAC Shop No.2482 Tittakudi Town  
Cuddalore District.
- 1 cc to Mr. K.Murugesan, Advocate Sr.No.33443
- 1 cc to Mr. S.Muthuraj, Advocate Sr.No.33547
- 1 cc to Government Pleader.Sr.No.33990

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pmk.14.7.2015



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