

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WP.No.22319/2015

P.Subramaniam
The President
Salem Seelavari Veetu Vasathi
Variya Kudiyiruppor Nala Sangam
128, Seelavari Housing Board
Salem 636 003.

Petitioner

Versus

1. The District Collector
Salem District, Salem.
2. The Executive Engineer-cum
Administrative Officer,
Tamilnadu Housing Board,
Salem 636008.
3. The District Manager
IMFS Depot, Tamilnadu State
Marketing Corporation Ltd.,
2/43B, Doctors Colony,
Jagirampalayam Village,
Salem 636005.

4. Gopal

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 3 to take action to remove the TASMAL shop bearing shop No.7441 from the Plot No.E-67 of the Seelavari Housing Unit, Tamilnadu Housing Board at Thadampatti village, Salem 636003.

For Petitioners:	Mr.A.Nagarathinam
For R1	: Mrs.P.Rajalakshmi, GA
For R2	: Mr.V.Anandamoorthy
For R3	: Mr.S.Muthuraj

ORDER

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

2.The allottees of the Housing Board in the land comprised in Survey No.183/1 of Thadampatti village, Salem District, originally approached the authorities concerned for shifting of the TASMAC shop bearing Shop No.7441 in Plot No.18. The grievance expressed by the petitioner is that though the license for running the TASMAC shop/Bar expired on 30.06.2012, no action has been taken to renew the Bar License and however, the TASMAC shop continue to be running in the said place. The further grievance expressed by the petitioner is that in the absence of the Bar, the consumers of liquor in the said TASMAC shop use to loiter near the residence of the petitioner Association and create nuisance and law and order problem and it was also brought to the knowledge of the Tamil Nadu Housing Board and the Executive Engineer-cum-Administrative Officer of the TNHB, Salem Division, Salem, has addressed a letter dated 07.04.2015 to the 3rd respondent herein requesting him to remove the TASMAC shop bearing No.7441. The 3rd respondent, in turn, has sent a reply dated 17.04.2015 to the officials of TNHB stating that for shifting the above said shop, necessary proposals have already been submitted to the 1st respondent and as and when orders are issued, necessary steps will be taken to re-locate the TASMAC shop. Hence, the petitioner came forward to file this writ petition praying for shifting of the said TASMAC shop.

3.Heard the learned counsel for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the 1st respondent ; Mr.V.Anandamoorthy, learned counsel who accepts notice on behalf of the 2nd respondent and Mr.S.Muthural, learned counsel who accepts notice on behalf of the 3rd respondent.

4.This Court, in the light of the above facts and circumstances, directs the first respondent to consider the request made by the 3rd respondent for shifting of TASMAC shop bearing No.7441 to some other place and pass orders within period of six weeks thereafter and communicate the decision to the petitioner Association as well as to the 4th respondent.

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The District Collector
Salem District, Salem.
2. The Executive Engineer-cum
Administrative Officer,
Tamilnadu Housing Board,
Salem 636008.
3. The District Manager
IMFS Depot, Tamilnadu State
Marketing Corporation Ltd.,
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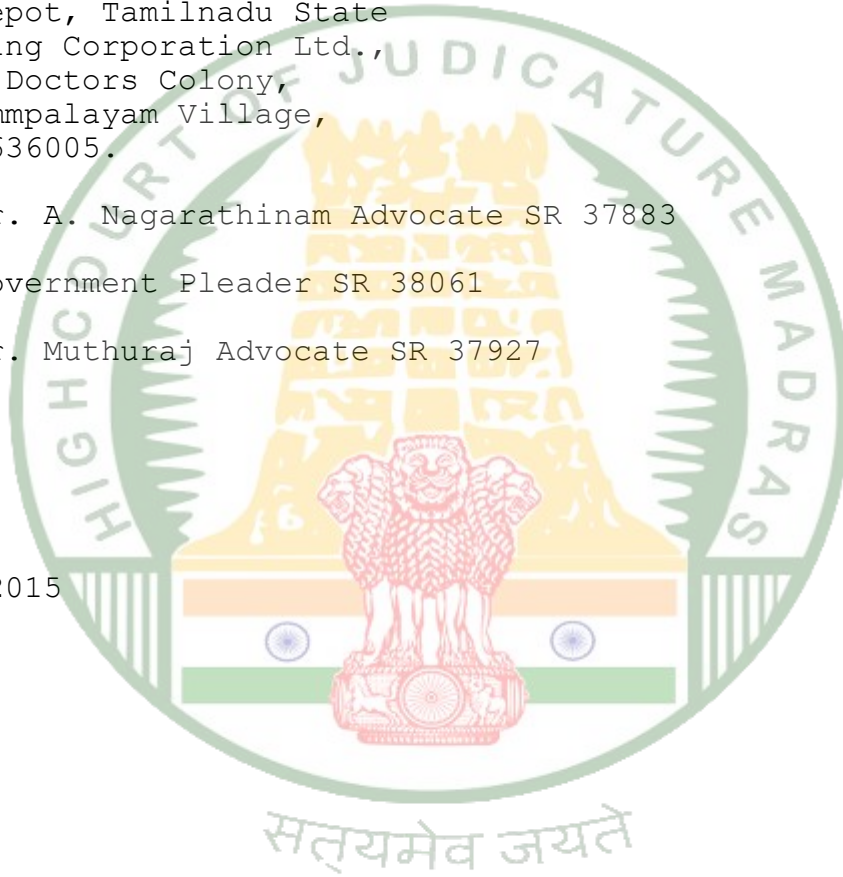
+1cc to Mr. A. Nagarathinam Advocate SR 37883

+1cc to Government Pleader SR 38061

+1cc to Mr. Muthuraj Advocate SR 37927

VGI (CO)
Rs 07/08/2015

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