

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

CORAM

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM
and
The Hon'ble Mr.JUSTICE G.CHOCKALINGAM

W.P.No.24993 of 2015

M.Subramanian

...Petitioner

-vs-

1. The Chairman,
Tamil Nadu State Marketing Corporation (TASMAC),
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.
2. The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC),
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.
3. The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Salem, Salem District.
4. The District Collector,
Salem District, Salem.
5. The Superintendent of Police,
Salem.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to close the TASMAC Shop No.7436 with Bar situated at Karumariamman Nagar, Udayampatti, Narasingapuram, Attur Taluk, Salem District as the same is situated at objectionable place.

For Petitioner : Mr.H.Rajasekar

For Respondents : Mr.STS.Moorthy
Government Pleader

O R D E R

(Order of the Court was made by T.S.Sivagnanam, J.)

This writ petition has been designed as Public Interest Litigation to direct respondent Nos.1 to 4 to close the TASMACH Shop bearing No.7436 along with the Bar attached to it situated at Karumariamman Nagar, Udayampatti, Narasingapuram, Attur Taluk, Salem District.

2. The petitioner is an agriculturist and the local resident of the aforesaid area and he is aggrieved by the location of the said TASMACH Shop. The objections raised by the petitioner are that the said Shop is located in a thickly populated residential area and is situated with the distance of about 150 feet from a Private Higher Secondary School, about 100 feet away from a temple and about 300 feet away from another Private Matriculation Higher Secondary School. In this regard, representations were sent by the Sri Ramakrishna Vidyalaya Matric Higher Secondary School and Sri Saradha Memorial Matric Higher Secondary School, Narasingapuram on 27.11.2014. The learned counsel appearing for the petitioner has also drawn the attention of this Court to the letter addressed by the Member of Legislative Assembly, Attur Constituency dated 28.11.2014 bringing to the notice of the District Collector, Salem about the location of the said TASMACH Shop in an area which is thickly populated and situated near the Schools and the place of worship. It appears that these representations were not considered by the respondents and therefore, the petitioner has approached this Court by way of this writ petition.

3. After hearing the learned Government Pleader on the above said submissions and taking note of the grievance expressed by the petitioner, the writ petition is disposed of directing the fourth respondent to cause an inspection of the area preferably a surprise inspection and if it is found that the TASMACH Shop bearing No.7436 is causing nuisance in the locality and situated very near to the educational Institutions and the temple, then appropriate orders shall be passed for shifting the said Shop to any other unobjectionable area. The aforesaid exercise is directed to be completed within a period of three weeks from the date of receipt of the copy of this order. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu State Marketing Corporation (TASMAC),
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Salem, Salem District.
 4. The District Collector,
Salem District, Salem.
 5. The Superintendent of Police,
Salem.
- 1 CC to Mr.H.Rajasekar, Advocate SR.No. 42602
- 1 CC to the Government Pleader, SR.No. 42361

AK (CO)
PSI (27.08.2015)

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