

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.35282 of 2013

S.Neelagandan .. Petitioner

-vs-

- 1.The Commissioner,
Tamil Nadu Civil Supplies and
Consumer Protection Dept.,
Ezhilagam, IV Floor, Chepauk,
Chennai.
- 2.The Deputy Commissioner (CS)
North, Tamil Nadu Civil Supplies
and Consumer Protection Dept.,
Ezhilgam, IV Floor, Chepauk,
Chennai.
- 3.The Assistant Commissioner (CS)
Royapuram, Tamil Nadu Civil
Supplies Consumer Protection Dept.,
9B, Somu Chetty 6th Street,
Chennai.
- 4.Bharathiyar Cooperative Society
Stores Ltd., PDS Shop No.5,
BF020, Corporation Colony,
Tondiarpet, Chennai.
- 5.Thiruvalluvar Nagar Residents Assn.,
Thiruvalluar Nagar, Seniamman
Koil Street, Tondiarpet, Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st to 3rd respondents not to shift the PDS Shop No.5 BF020 run by the 4th respondent from the present premises at Corporation Colony, Tondiarpet, Chennai, to the premises of the 5th respondent Thiruvalluvar Nagar Residents Association Office Building, TNHB Premises, Seniamman Koil Street, Tondiarpet, Chennai.

For Petitioner : Mr.V.Parthiban
for M/s.Paul and Paul

For Respondents : Mr.S.T.S.Murthi, Govt. Pleader
for RR 1 to 3
: Mr.K.J.Shivakumar for R-4
: No appearance for R-5

O R D E R

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

The petitioner is aggrieved by the shifting of PDS shop No.5, BF020 stated to be run by the fourth respondent to the premises of the fifth respondent. It is the say of the petitioner that the place would be inconvenient where it is proposed to be shifted and the poorer sections of the society would be affected especially as the proposed site is inside a gated community where access is restricted. It is alleged that the fifth respondent, a resident association, consists of a influential section of society and unnecessarily the shop is sought to be shifted.

2.A counter-affidavit has been filed by respondents 1 to 3 stating that the final decision in respect of the shifting has not been taken and that in case the PDS shop is opened, access will be provided to everyone.

3.The fourth respondent has filed an affidavit explaining the difficulty in continuation of the PDS shop at the present location. There are stated to be drainage problems at the existing site whereby the drainage water is coming into the shop, there is nuisance of rats and cockroaches and since the essential commodities of food item are being sold, it is very difficult to run the shop from the existing premises. The owner is stated to have declined to remedy the position unless the site is vacated.

4.We are of the view that matters of this nature fall within purely administrative domain. If there is violation of norm or law or guideline, then only the occasion for the intervention of the Court would arise. Thus, per se, a Public Interest Litigation would not be maintainable.

5.We may, however, note that in so far as the alternative location is concerned, the suitability would be determined by the concerned authorities, but it should be ensured that there is free access for everyone to that area. We may notice in this context that the distance is not a factor here, as the new site is only 300 meters away as is being proposed.

6.We, thus, dismiss the petition with the aforesaid direction. No costs. The interim order already granted stands vacated. M.P.No.1 of 2013 stands closed accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Tamil Nadu Civil Supplies and
Consumer Protection Dept.,
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and Consumer Protection Dept.,
Ezhilagam, IV Floor, Chepauk,
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- 3.The Assistant Commissioner (CS)
Royapuram, Tamil Nadu Civil
Supplies Consumer Protection Dept.,
9B, Somu Chetty 6th Street,
Chennai.

+1cc to M/S.Paul & paul, Advocate, S.R.No.14120
+1cc to M/S.K.J.Sivakumar, Advocate, S.R.No.13615
+1cc to the Government Pleader, S.R.No.13898

W.P.No.35282 of 2013

ala(CO)
srg(17/03/2016)

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