

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM:

THE HON 'BLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.34390 of 2016

N.R.Shanmugam

... Petitioner

Versus

1. The Managing Director,
Tamil Nadu State Marketing Corporation,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 008
2. The Principal General Manager,
Tamil Nadu State Marketing Corporation,
Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600 008
3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Brindavan Street, Salem
4. The District Collector, Office of the District Collector,
Collectorate, Tiruvannamalai 606 604
5. The District Manager,
Tamil Nadu State Marketing Corporation
(TASMAC), Retail Distribution,
Tamil Nadu Civil Supply Warehouse Godown,
Anna Salai, Tiruvannamalai 606 601

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondents to forthwith vacate TASMAC Shop No.9249 from the property of the petitioner in Door No.98/118, Chinna Kadai Street, Tiruvannamalai, by considering and passing orders on the representation of the petitioner, dated 06.08.2016, taking into consideration the certificate issued by Town Municipal Commissioner, bearing Reference Na.Ka.No.F1/3473/2016, dated 29.07.2016.

For Petitioner : Mr.A.K.Rajaraman, for,
Mr.R.Sathish Kumar

For Respondents : Mr.A.N.Thambidurai,
Spl.G.P., for R-1, R-2 & R-4,
Mr. Kasirajan, Sr. Counsel, for,
R-3 & R-5

O R D E R

Mr.A.N.Thambidurai, learned Special Government Pleader, accepts notice for respondents 1, 2 and 4 and Mr. Kasirajan, learned Senior Counsel, accepts notice for respondents 3 and 5. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal.

2. Heard the learned counsel appearing for both sides.

3. According to the petitioner, he is the owner of the land and building located at Door No.98/118 Chinna Kadai Street, Tiruvannamalai - 606 601. The super-structure of the property was constructed nearly fifty years back by the father of the petitioner. The said building was given for rent to the third respondent to run the liquor vending Shop bearing No.9249. Due to dilapidated condition of the building, the petitioner has given a representation, dated 06.08.2016, to the respondents to handover the vacant premises, by enclosing a certificate issued by the Municipal Corporation, certifying that the building is unfit for habitation. In view of the non-consideration of the representation, despite the certificate being issued by the Municipal Corporation, the petitioner has approached this Court by way of this writ petition.

4. This Court has considered the submissions made by the learned counsel for both sides and perused the materials available on record.

5. Though the petitioner has prayed for larger relief, this court, in the light of the facts and circumstances of the case, (without going into the merits of the case) hereby directs the respondents to consider the petitioner's representation, dated 06.08.2016, on merits and in accordance with law, after taking into consideration the certificate issued by the Town Municipal Commissioner, and pass orders, within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

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

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

srk

To

1. The Managing Director,
Tamil Nadu State Marketing Corporation,
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Anna Salai, Tiruvannamalai 606 601
- +1 CC to Mr. R. Sathish Kumar, Advocate Sr.No.55893

W.P.No.34390 of 2016

TRM (CO)
MD : 20/10/2016

सत्यमेव जयते

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