



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**W.P.[MD].Nos.12388 and 13621 of 2014
and
M.P.(MD)Nos.1, 2 and 2 of 2014**

W.P.[MD].No.12388 of 2014:

P.Muthuraj : Petitioner
Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Manager,
TASMAC,
Virudhunagar District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from opening a TASMAC shop at D.Nos.4/252 and 4/253, Kongalapuram, Manichery Panchayat, Sithurajapuram Post, Srivilliputtur Taluk, Virudhunagar District, on the basis of the representation given by the petitioner dated 23.07.2014.

W.P.[MD].No.13621 of 2014:

P.Muthuraj : Petitioner
Vs.

The District Collector,
Virudhunagar District,
Virudhunagar. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in Na.Ka.K2/3237/2014, dated 07.08.2014 for opening of TASMAC Shop at D.Nos.4/252 and 4/253 at Vembakottai Main Road, Kongalapuram Village, Srivilliputtur Taluk, Virudhunagar District and quash the same.



For Petitioner : Mr.M.Ajmalkhan,
Senior Counsel,
For Mr.K.Gokul
For Respondent No.1 : Mr.T.R.Janarthanan,
in both W.Ps. Additional Government Pleader
For Respondent No.2 : Mr.M.Muniyasamy
in W.P.[MD].No.12388 of 2014:

C O M M O N O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

These two Writ Petitions have been filed in public interest. The purpose of these litigations is to prevent the TASMACH from establishing any retail vending shop in the buildings bearing Door Nos.4/252 and 4/253 at Kongalapuram Village, Srivilliputtur Taluk, Virudhunagar District.

2. W.P.(MD)No.12388 of 2014 was filed to forbear the respondents from establishing the said shop, considering the representation of the villagers dated 23.07.2014. Subsequently, it came to light that the District Collector had granted permission to the TASMACH to establish a retail vending shop in the village. That order of the District Collector is challenged in W.P.(MD)No.13621 of 2014. That is how, both the Writ Petitions are before us for disposal.

3. Today, when both the Writ Petitions were taken up for hearing, it was brought to our notice that on account of the interim order passed by this Court, the shop was not actually opened. Today, the learned Standing Counsel for TASMACH submitted that the proposal to open a TASMACH Shop in the village in question has been dropped and there is no proposal at all, as of now, to open any TASMACH Shop in the said Village. The said statement made by the learned Standing Counsel is recorded.

4. Mr.T.R.Janarthanan, learned Additional Government Pleader appearing for the District Collector also agrees with the said statement.

5. In view of the statement made by the learned Standing Counsel for TASMACH and the learned Additional Government Pleader, in our considered view, no further direction is required in these matters. Hence, recording the above submission, both the Writ Petitions are dismissed as infructuous. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



SML

To
The District Collector,
Virudhunagar District,
Virudhunagar.

+1CC to Mr.K.Gukul, Advocate Sr.No.57117
+1CC to Spl.Government Pleader Sr.No.57793

GJM/GSV/PM/14.10.16-3p-4C

**Common Order made in
W.P. [MD] .Nos.12388 and 13621 of 2014
Dated: 29.09.2016**