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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.16972 of 2015

S.RAMACHANDRA PRADEEP
11/6 NADAR NEW STREET
USILAMPATTI
MADURAI DISTRICT

.. Petitioner

Vs.

1 THE DISTRICT COLLECTOR
MADURAI DISTRICT MADURAI

2 THE DISTRICT MANAGER
MFS DEPOT TASMAL LTD. TAMIL NADU WARE
HOUSING CORPORATION KAPPALUR VILLAGE
THIRUMANGALAM TALUK
MADURAI DISTRICT

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to closure of the TASMAL in Shop No.5282 situated near Lord Murugan Temple Usilampatti thereby ensuring the public safety at large.

For Petitioner : Ms.G.Vanjinathan

For Respondents : Mr.M.Govindan
Addl. Government Pleader for R1
Mr.M.Muniyasamy for R2

ORDER

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

The petitioner has come up with this public interest litigation seeking a direction to the respondents to close the TASMAL Shop No,5282 situated near Lord Murugan Temple, Usilampatti, with a view to ensure the safety of the public at large and devotees, who visit the temple.



2. We have heard the learned counsel for the petitioner, the learned Special Government Pleader for the 1st respondent and the learned counsel for the 2nd respondent and we have also perused the records carefully.

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3. The Assistant Manager, TASMAL, Madurai District has made appearance today. On enquiries, he would state that Lord Murugan Temple is situated within 50 metres from the TASMAL Shop in question. But, the contention of the learned counsel for the 2nd respondent is that since the area has been declared as a commercial area, the distance rule is not applicable.

4. When we pointed out that the TASMAL shop in question is situated very nearer to the Temple and it would certainly cause nuisance not only to the devotees, but also the people living in that area and it would amount to violation of Article 21 of the Constitution of India, the Assistant Manager informed the Court that he would shift the shop to some other place within a period of four weeks from the date of receipt of a copy of this order. The said statement is recorded.

5. In view of the above, this writ petition is allowed with a direction to the respondents to shift the TASMAL shop No.5282 from the present location to any other suitable place or to close it within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CRL)

/True Copy/

Sub Assistant Registrar

RR

To

1 THE DISTRICT COLLECTOR
MADURAI DISTRICT, MADURAI

2 THE DISTRICT MANAGER,
MFS DEPOT TASMAL LTD.
TAMIL NADU WARE HOUSING CORPORATION,
KAPPALUR VILLAGE, THIRUMANGALAM TALUK,
MADURAI DISTRICT.

+1cc to Spl.Government Pleader Sr.No. 62944