

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2017

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam
&
The Hon'ble Mr.Justice K.Ravichandrabaabu

W.P.No.11016 of 2017
and
W.M.P.No.11978 of 2017

G. Mariyappan,
Brindavan Nagar,
Kudisai Vazh Makal Nalasangam.
Chennai 600 086.

...Petitioner

Vs.

1. The District Collector,
The District Collector Office,
No.62, Rajaji Salai,
Chennai- 600 001.
2. The Tamil Nadu State Marketing Corporation (TASMAC)
rep. by its Managing Director,
Bridge Road, Egmore, Chennai- 600 008.
3. The District Manager,
Chennai South Zone,
Tamil Nadu State Marketing Corporation
Ambatore Estate,
Chennai - 600 058.
4. The Principal Regional Manager,
Chennai South Zone,
Tamil Nadu State Marketing Corporation,
Anna Salai, Chennai - 600 002.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to permanently close down and remove the TASMAC Shop No.738 and the Bar situated at No.14A, Erikarai, Adamabakkam, Chennai, and not to reopen the shop again in the said area.

For Petitioner : Mrs.S. Meenakshi
For Respondent-1 : Mr.T.N. Rajagopalan i/c
Government Pleader

For Respondents 2-4: Mr. P. Arumugarajan

O R D E R

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

Heard Mrs. S. Meenakshi, the learned counsel appearing for the petitioner, Mr.T.N. Rajagopalan, the learned Government Pleader for the first respondent and Mr. P. Arumugurajan, the learned counsel appearing for the respondents 2 to 4.

2. This Writ Petition has been filed, styled as Public Interest Litigation, on behalf of the residents of the Brindavan Nagar, in Adambakkam. The residents of the area opposed the location of the TASMAC retail vending shop No.738, and the Bar attached to it, located in No.14A, Erikarai, Adamabakkam, Chennai.

3. The petitioner's case is that, the shop infringes the distance rules, and it is situated within the prohibited distance from the Educational Institutions, place of worship, etc., Further, it is stated that, earlier, there was a retail vending shop in the very same location, which was closed down by the Government, as Policy decision was taken by the Government to close down 500 shops, and, in the same place, the shop has been re-located, which was originally situated near the National Highway.

4. The third respondent has filed a counter affidavit, stating that, there is no violation of the distance rules, and the shop, which had been functioning in the same location was closed not on account of any objection or violation of the distance rules, but owing to the policy decision taken by the Government.

5. The petitioner has produced photographs in the typed-set of papers, which show that the shop is located in a very busy commercial area, and is also very near to the Road. Therefore, it is the District Collector, the first respondent herein, who is the competent Authority to grant no objection for locating the shop, and examine the petitioner's representation, as it is the concern expressed by the residents of the area and not that of a rival bar owner, or by some other person, who is having a vested interest.

6. Thus, we are of the view that the first respondent/District Collector should consider the petitioner's representation and take a pragmatic decision in the matter.

7. Accordingly, this Writ Petition is disposed of, by directing the first respondent/District Collector to consider the petitioner's representation, dated 20.04.2017, and direct one of his Officers to conduct a surprise inspection of the place, and then, pass a speaking order on the petitioner's representation, dated 20.04.2017 and communicate the decision taken to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 CC to Ms.S. Meenakshi, Advocate sr 87324.
+1 CC to Ms.P. Arumugarajan, Advocate sr 87331.
+1 CC to Govt. Pleader sr 87698.

Writ Petition No.11016 of 2017

SP(27/12/2017)