

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.20858 of 2017
and W.M.P. No.21718 of 2017

N.Namachivayam .. Petitioner
Vs.

1. The District Collector,
Erode District, Erode.
2. The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Erode, Erode District. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to remove the newly opened TASMAC shop which is located at SSP Nagar, Villarasampatti, Erode - 638 107 in order to protect the petitioner's right to life as enshrined under Article 21 of the Constitution by considering the petitioner's representation dated 10.07.2017.

For Petitioner .. Mr.N.Manokaran
For R1 .. Ms.M.Lalitha, GA
For R2 .. Mr.K.Sathish Kumar

ORDER

Heard Mr.N.Manokaran, learned counsel for the petitioner and Ms.M.Lalitha, learned Government Advocate and Mr.K.Sathish Kumar, learned Standing Counsel, taking notice for the respondents 1 and 2 respectively.

2. By consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner has filed this writ petition on behalf of himself and also other persons, who are living in SSP Nagar, Villarasampatti, Erode District. The petitioner is aggrieved by the location of a TASMAC Shop in the area, where the petitioner is living.

4. It is submitted by the petitioner that the area is surrounded by the power looms, screen printing press, Government High School, Anganwadi School, Mariamman and Vinayagar Temples etc. and the shop is located within 400 feet from the petitioner's house in a thickly populated area. It is also submitted by the petitioner that in spite of the objections, the respondents have not taken any action.

5. The learned Standing counsel for the second respondent - TASMAC submitted that the TASMAC shop is not opened, till date. However, the said submission is refuted by the learned counsel for the petitioner stating that the shop is opened recently and is now functioning.

6. The learned Government Advocate appearing for the first respondent submitted that the proposal sent by the second respondent - TASMAC is under active consideration of the first respondent and the first respondent would pass orders on the same at the earliest possible time.

7. Considering the submissions made by the learned counsel on either side, this Court is of the view that if the shop has not been opened till date, it shall not be opened till the District Collector passes an order in accordance with law. However, if the shop is opened, without any specific order from the District Collector, the same shall be closed forthwith on receipt of the copy of this order. The first respondent, District Collector shall consider all the aspects, including the views of the public of the area and take a pragmatic decision in this matter by passing a reasoned order.

8. With the above observations, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rk/at

To

1. The District Collector,
Erode District,
Erode.

2. The District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Erode,
Erode District.

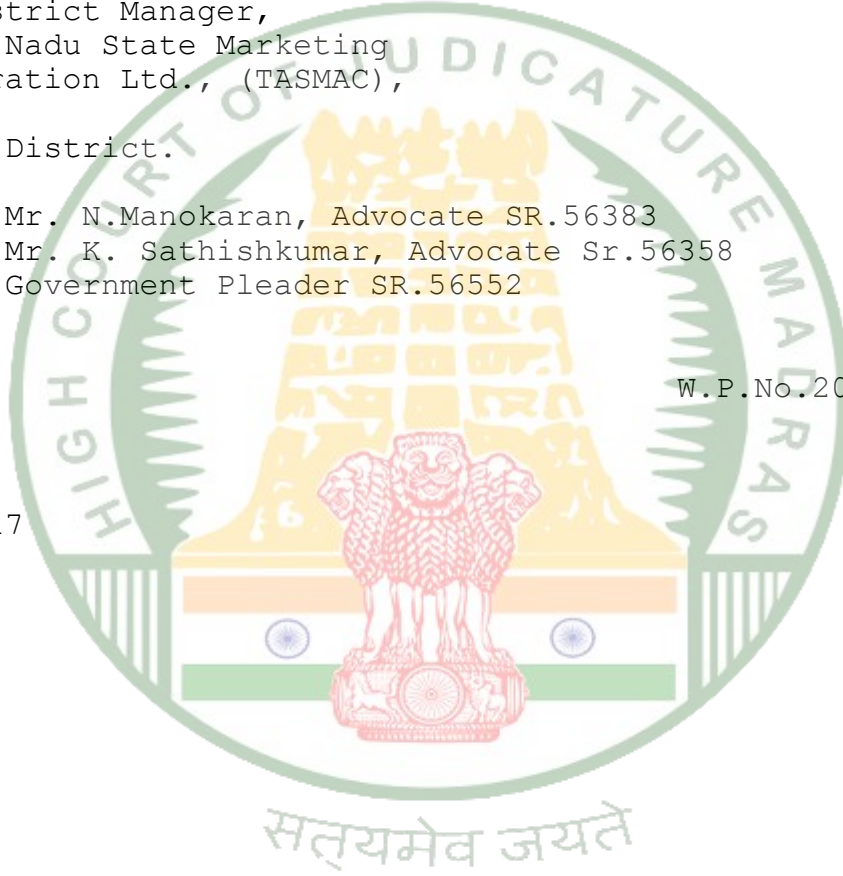
+ 1 cc to Mr. N.Manokaran, Advocate SR.56383

+ 1 cc to Mr. K. Sathishkumar, Advocate Sr.56358

+ 1 cc to Government Pleader SR.56552

W.P.No.20858 of 2017

EV (CO)
Eu 23.08.17



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