

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2017

CORAM

THE HON'BLE MR. JUSTICE R.MAHADEVAN

AND

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.No.12941 of 2017

Stalin Mathew

.. Petitioner

Vs

1 The Managing Director
TASMAC, Thalamuthu Natarajan Maligai
Egmore, Chennai - 600 008.

2 The District Collector
Thiruvallur District
Thiruvallur.

3 The Senior Regional Manager
TASMAC, Chennai.

4 The District Manager
TASMAC, Chambarambakkam
Chennai - 123.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the respondents from running the TASMAC Shop Nos.9005 and 8723 at Chozhambedu Main Road, Thirumullaivoyal, Chennai - 600 062.

For Petitioner

: Mr.C.Prakasam

For Respondents

: Mr.M.K.Subramanian
Government Pleader
for 2nd respondent

Mr.K.Venkataramani
Addl. Advocate General
assisted by
Mr.B.Nedunchezhiyan
for respondents 1, 3
and 4

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ORDER
(Order of the Court was made by R.Mahadevan,J.)

The petitioner has filed this writ petition seeking issuance of a writ of Mandamus forbearing the respondents from running the TASMAC Shop Nos.9005 and 8723 at Chozhambedu Main Road, Thirumullaivoyal, Chennai - 600 062.

2. Objecting to the running of TASMAC Shop Nos.9005 and 8723 at Chozhambedu Main Road, Thirumullaivoyal, Chennai - 600 062, the petitioner made a representation on 10.5.2017 with signatures of around eighty villagers. Since the said representation was not considered, the petitioner has filed this writ petition for the relief stated supra.

3. The learned Additional Advocate General appearing on behalf of the TASMAC submitted that the objections of the petitioner for running of the TASMAC shops, stated supra, were considered and rejected vide proceedings bearing reference Na.Ka.No.Aa4/7733/2017, dated 17.5.2017.

4. We are not inclined to accept the said submission made by the learned Additional Advocate General as, in the proceedings dated 17.5.2017, there is no reference to the representation of the petitioner dated 10.5.2017. Moreover, neither the petitioner nor the villagers were afforded an opportunity of hearing before passing of the said proceedings dated 17.5.2017.

5. To give a quietus to the issue, we direct the respondent authority to consider the representation dated 10.5.2017 submitted by the petitioner, after granting due opportunity of hearing to the petitioner as well as any of the interested parties, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is made clear that till the disposal of the representation of the petitioner, the TASMAC Shop Nos.9005 and 8723 at Chozhambedu Main Road, Thirumullaivoyal, Chennai - 600 062, shall remain closed.

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The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.13812 of 2017 is closed.

-s/d-
Assistant Registrar/Vacation Officer

True Copy

Sub-Assistant Registrar

sasi

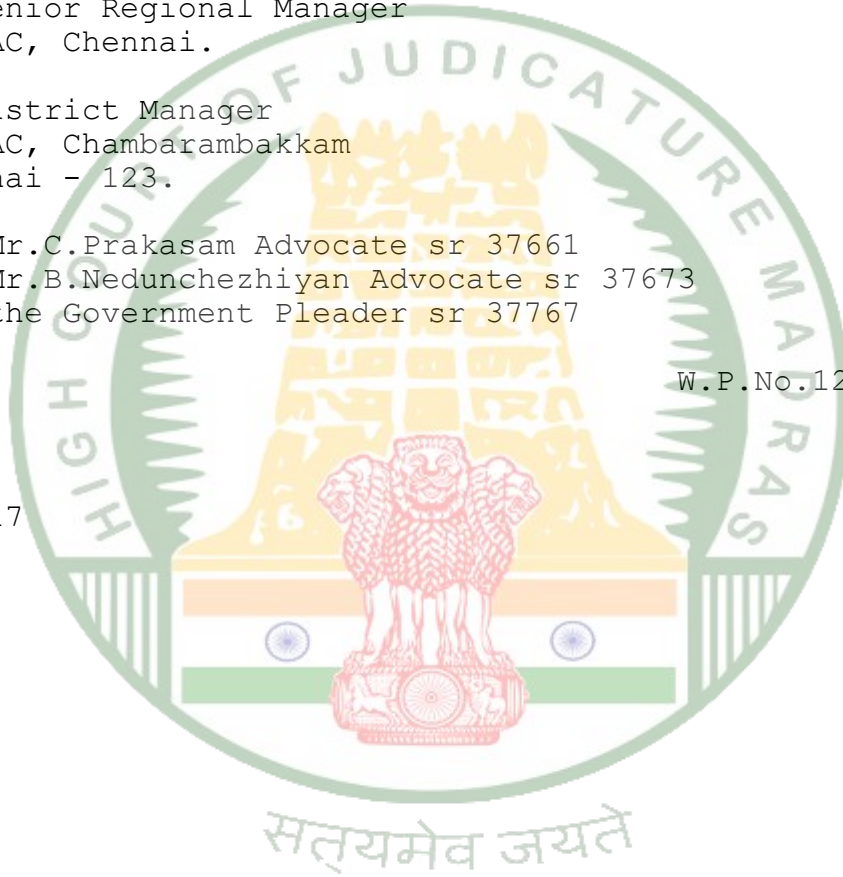
To:

- 1 The Managing Director
TASMAC, Thalamuthu Natarajan Maligai
Egmore, Chennai - 600 008.
- 2 The District Collector
Thiruvallur District
Thiruvallur.
- 3 The Senior Regional Manager
TASMAC, Chennai.
- 4 The District Manager
TASMAC, Chambarambakkam
Chennai - 123.

+1 cc to Mr.C.Prakasam Advocate sr 37661
+1 cc to Mr.B.Nedunchezhiyan Advocate sr 37673
+1 cc to the Government Pleader sr 37767

W.P.No.12941 of 2017

skv(co)
aa23/5/2017



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