

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2017

CORAM:

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

Writ Petition No.22672 of 2017

and W.M.P.No.23775 of 2017

M.Thangavel

... Petitioner

..vs..

1. The District Collector,
Perambalur District, Perambalur
2. The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Near Four Roads, Perambalur,
Perambalur District

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to remove the newly opened TASMAC Shop No.6322 from S.Nos.233/2 and 232/3 Senkunam Village, Perambalur Taluk and District, in order to protect the petitioner's right to life, as enshrined under Article 21 of the Constitution by considering his representation, dated 09.08.2017.

For Petitioner : Mr. N.Manokaran
For Respondents : Mrs. A.Srijayanthi,
Spl.G.P., for R-1 &
Mr. B.Nedunchezhiyan, for R-2

O R D E R

Heard Mr. N.Manokaran, learned counsel appearing for the petitioner, Mrs. A.Srijayanthi, learned Special Government Pleader, who accepts notice for the first respondent and Mr.B.Nedunchezhiyan, learned Standing Counsel, who accepts notice for the second respondent. With consent of the learned counsel appearing for both sides, the writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner is before this Court seeking for a direction upon the respondents to close down the TASMAC retail liquor vending shop bearing No.6322, situated in Survey Nos.233/2 and 232/3 Senkunam Village, Perambalur Taluk and District.

3. The petitioner's case is that the shop has been located in a housing layout causing nuisance to the people in the area. A rough sketch has been produced before this Court to show as to where the shop is located and it is submitted that, to reach the houses located in the layout, essentially a person has to cross the area, where the shop is located and many a time, people in drunken state are lying on the floor and the entire area is filled up with empty bottles and the public of the area are prejudiced.

4. In this regard, the petitioner and other residents in the locality are stated to have submitted representations to the first respondent, on 07.04.2017 and 10.04.2017, even prior to the shop being located. However, the said representations were not considered and the shop was established in the said area, after which, one more representation has been given to the respondents, on 09.08.2017. From the postal acknowledgment cards filed in the typed set of papers, it is seen that the representations have been received in the Office of the respondents. Further, in the representations, the petitioner and others have pointed out that already there are three TASMAL shops in the very same area and the present shop ought not to have been located in the said place.

5. Therefore, this Court is of the view that the first respondent should be directed to consider the representation of the petitioner on merits and in accordance with law. Accordingly, this writ petition is disposed of, by directing the first respondent to consider the representation of the petitioner, dated 09.08.2017, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srk

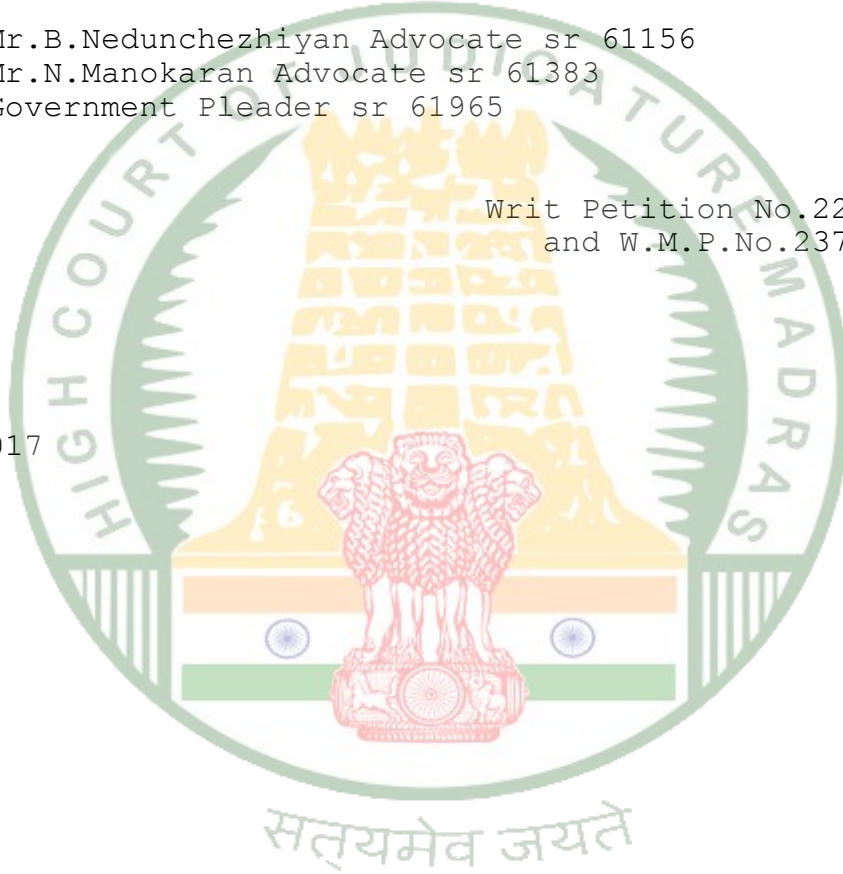
To

1. The District Collector,
Perambalur District, Perambalur
2. The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Near Four Roads, Perambalur,
Perambalur District

+1 cc to Mr.B.Nedunchezhiyan Advocate sr 61156
+1 cc to Mr.N.Manokaran Advocate sr 61383
+1 cc to Government Pleader sr 61965

Writ Petition No.22672 of 2017
and W.M.P.No.23775 of 2017

sr(co)
aa14/09/2017



WEB COPY