

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01..09..2017

CORAM

Hon`ble Mr Justice M. SATHYANARAYANAN
and
Hon`ble Mr Justice M.DHANDAPANI

Writ Petition No.23348 of 2017

R.Chandrasekar

..... Petitioner

-Versus-

1.The District Collector,
Tirupur District.

2.The District Manager
Tamil Nadu State Marketing Corporation,
Tirupur District.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to initiate proceedings to close the TASMAC Shop No.1913 situated at Ward No.23, NRK Puram, Tirupur Corporation.

For Petitioner : Ms.S.Lakshmi

For Respondents : Mr.T.N.Rajagopalan,
Special Government
Pleader for R1

Mr.K.Satishkumar for R2

ORDER

[Order of the court was made by M.SATHYANARAYANAN.J.,]

By consent, the writ petition itself is taken up for final disposal.

2. This writ petition is filed by way of public interest litigation by the residents of 23rd Ward of N.R.K. Puram which is within the limits of Tirupur Corporation, by stating that the TASMAC Shop No.1913 is now being located nearby railway gate at N.R.K.Puram which is within the prohibited distance where the school, college and temple are located and objecting to the same, a joint representation has been given by the respondents

of N.R.K.Puram to the 1st respondent on 17.04.2017 and a copy of the same was also sent to the Assistant Manager, Tamil Nadu State Marketing Corporation, Tirupur, who, vide endorsement made on the representation, has undertaken to shift the shop within three months and despite such undertaking given, no steps have been taken so far and as a consequence, the residents in the locality and user of the road are put to unnecessary hardship and harassment. Hence, the petitioner for himself and on behalf of the residents of the locality prays for appropriate orders.

3. This court heard the submissions of the learned Special Government Pleader appearing for the 1st respondent and also learned standing counsel for the 2nd respondent corporation.

4. Mr.T.N.Rajagopalan, the learned Special Government Pleader, on instructions from the 1st respondent, would submit that TASMAC shop in question is not located within the prohibited distance and as such, the representation submitted on behalf of the residents of the locality is liable to be rejected.

5. This court considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner prays for a larger relief, this court in the light of the facts and circumstances of the present case, without going into the merits of the case, permits the petitioner to submit one more representation to the respondents 1 and 2 within a period of two weeks from the date of receipt of a copy of this order and upon receipt of such representation, the 1st respondent, after putting the 2nd respondent on notice, shall consider the same on merits and in accordance with law and pass appropriate orders within a further period of four weeks thereafter, and communicate the decision taken thereon to the petitioner.

7. In the result, the writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District Collector,
Tirupur District.

2.The District Manager,
Tamil Nadu State Marketing Corporation,
Tirupur District.

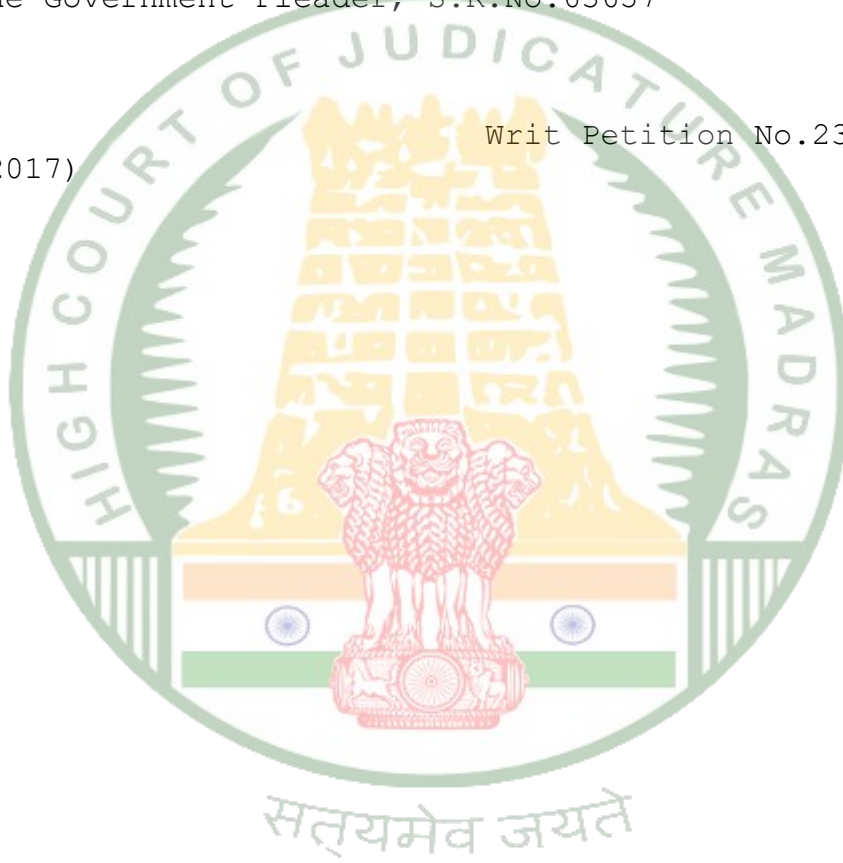
+lcc to Mr.S.Manoharan, Advocate, S.R.No.63251

+lcc to Mr.K.Sathish Kumar, Advocate, S.R.No.63424

+lcc to the Government Pleader, S.R.No.63657

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GN(20/09/2017)



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