

In the High Court of Judicature at Madras

Dated : 18.9.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.24908 of 2017 & WMP.No.26295 of 2017

R.Nallathal

...Petitioner

Vs

1. The District Collector, Tiruppur
District, Tiruppur.

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

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from establishing or opening a TASMAC shop No.3633 in the lands bearing S.F.Nos.572 and 576 of Vellakovil Village, Kangeyam Taluk, Tirupur District in violation of the distance norms and by causing danger to life and property of the petitioner.

For Petitioner : Mr.N.Manokaran

For Respondent-1 : Mrs.A.Sri Jeyanthi, SGP

For Respondent-2 : Mr.K.Sathishkumar

ORDER

Mrs.A.Sri Jeyanthi, learned Special Government Pleader accepts notice for the first respondent. Mr.K.Sathishkumar, learned Standing Counsel accepts notice for the second respondent. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The case of the petitioner is that earlier, the shop was functioning in an area quite adjacent to the proposed location and it was closed down after the judgment of the Hon'ble Supreme Court. Now, the second respondent is taking steps to locate the shop in the land in question, which is hardly 200 meters away from the old location.

3. The learned counsel for the petitioner has drawn the attention of this Court to demonstrate that the proposed location of the shop is in gross violation of the distance rule.

4. The learned Standing Counsel for the second respondent would admit that as on date, the shop is yet to be opened and that the proposal is now pending consideration of the first respondent. In view of the objections raised by the public in the locality, the first respondent ought to consider the objections in a proper perspective and not to implement the distance rule with mathematical precision, but should act in a manner conducive for the general public of the area.

5. The specific case of the petitioner is that old bus stand is located just in front of the proposed site, that there are places of worship, educational institutions, etc, opposite/adjacent to the proposed location and that therefore, the shop should not be relocated there.

6. Thus, taking note of the above submissions and also the fact that the proposal is now pending consideration before the first respondent, the writ petition is disposed of with a direction to the first respondent to authorize an inspection to be conducted in the area by one of the officers and after receiving the inspection report, shall take note of the petitioner's objections, take a holistic view in the matter and pass appropriate orders on merits and in accordance with law. The above exercise shall be completed within a period of two months from the date of receipt of a copy of this order. Till such, the proposed shop shall not be relocated in the area in question. No costs. Consequently, the above WMP is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Tiruppur District, Tiruppur.

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

+1cc to Mr.Manokaran, Advocate Sr. 68075
+1cc to Mr.Satishkumar, Advocate SR. 67905
+1cc to the Government Pleader Sr. 68384

WP.No.24908 of 2017&
WMP.No.26295 of 2017

MG(CO)
VR(13/10/2017)



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