

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE M.SUNDAR

W.P.No.14974/2017 & WMP.No.16215/2017

The Federation of Maduravayal Residents
Welfare Association [Regn No.549/1998]
Off.At No.17, PTC Officers Colony,
Maduravayal, Chennai-102
rep.by the General Secretary
Mr.A.C.Thirumaladimai ... Petitioner

Vs

- 1.The Managing Director,
TASMAC, Thalamuthu Natarajan Maligai
Egmore, Chennai 600 008.
- 2.The District Collector
Thiruvallur District, Thiruvallur.
- 3.The District Manager
TASMAC, Thirumazhisai
Thiruvallur District. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of mandamus
forbearing the respondents from either opening TASMAC shop or
shift the Shop No.9185 in Kannapan Nagar, Maduravoyal, Chennai
600095.

For Petitioner : Mr.S.Chandrasekharan
For RR 1 & 3 : Mr.K.Venkataramani, AAG
assisted by Mr.B.Neduchezhiyan
For R2 : M.K.Subramaniyan
Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal at the admission stage itself. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.B.Nedunchezhiyan, learned counsel accepts notice on behalf of the respondents 1 and 3 and Mr.M.K.Subramaniyan, learned Government Pleader accepts notice on behalf of the 2nd respondent.

2 The writ petition is filed as a Public Interest Litigation by the writ petitioner alleging that the respondents 1 and 3 were running TASMAL Shop No.9185 near Highways at Nerkundram and due to the orders passed by the Hon'ble Supreme Court of India, to close the Liquor shops which are located within 500 metres from the National Highways, steps are being taken by the said respondents to shift the said shop to Kannappan Nagar, Maduravoyal, Chennai 600094, wherein, Arulmigu Siva Sudalaimada Swamy Temple, Sri Esaki Amman Temple and Sri Karuppaswamy Temple, are located and the intended location is also within the prohibited distance of 100 metres. The petitioner, in this regard, has also submitted series of representations dated 27.04.2017 and 12.05.2017 to the respondents and in spite of receipt and acknowledgment, no action whatsoever, has been taken and therefore, came forward to file the present writ petition in the form of Public Interest Litigation.

3 The learned counsel for the petitioner has drawn the attention of this Court to the orders of this Court, viz., [1] order dated 27.08.2015 made in WP [MD] No.15257/2015 ; [2] order dated 17.03.2016 made in WP.No.7505/2013 ; and [3] order dated 06.05.2017 made in WP.No.12152/2017 etc., batch and would submit that in similar facts and circumstances, various Division Benches of this Court has taken into consideration the prohibited distance and passed appropriate orders and therefore, the respondents 1 and 2 may be restrained from re-locating the TASMAL shop near the above said three temples and prays for appropriate orders.

4 Per contra, Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.B.Nedunchezhiyan, learned Standing counsel would submit that the representations submitted by the petitioner will be given disposal on merits and in accordance with law within the stipulated time frame.

5 The Court heard the submissions of Mr.M.K.Subramaniyan, learned Government Pleader appearing for the 2nd respondent and also perused the materials placed before it in the form of typed set of documents.

6 A perusal of the orders passed by the various Division Benches of this Court would disclose that the respondent / TASMAL was arrayed as a party in WP.No.7505/2013 and a Division Bench of this Court, has taken note of the decision reported in 2016 [1] CTC 104 [R.Gopinath Vs. The District Collector, Virudhunagar and others] and vide order dated 17.03.2016, has indicated how the measurement regarding location of the TASMAL shop from the prohibited distance is to be done.

7 This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 27.04.2017 and 12.05.2017 respectively, on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

AP

To

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

2.The District Collector
Thiruvallur District, Thiruvallur.

3.The District Manager
TASMAC, Thirumazhisai
Thiruvallur District.

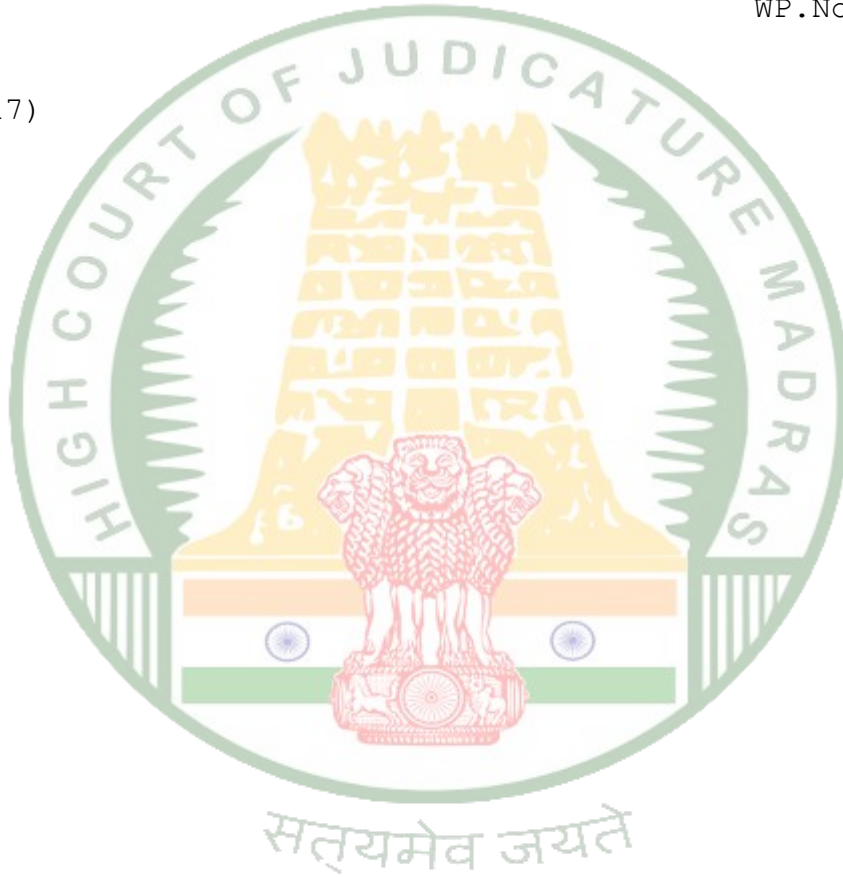
+1cc to Mr.S.Chandrasekaran,Advocate sr.42808

+1cc to Mr.B.Neduncheshiyan,Advocate sr.42943

+1cc to Government Pleader sr.43321

WP.No.14974/2017

lrs(co)
ss(4/7/2017)



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