

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.06.2017

CORAM:

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

W.P.No.15381/2017 & WMP.No.16696/2017

P.Prakasam

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Petitioner

Vs

1.The District Collector  
Krishnagiri District,  
Ariyalur.

2.The District Manager  
TASMAC Limited  
Krishnagiri District, Krishnagiri.

3.The Inspector of Police  
Thamalpatti Police Station  
Krishnagiri, Krishnagiri District.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to forbear the respondents from establishing or re-locating the TASMAC shops in Vathiyarkottai Bus Stand, Kerikkapalli Panchayat, Uthangarai Taluk, Krishnagiri District or its adjoining area of the said village panchayat.

For Petitioner : Mr.M.R.Jothimanian for  
Mr.K.Balu

For R1&R3 : Mr.M.K.Subramaniyan, GP

For R2 : Mr.B.Nedunchezhiyan

ORDER

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

By consent, the writ petition filed in the form of Public Interest Litigation, is taken up for final disposal. Mr.M.K.Subramaniyan, learned Government Pleader accepts notice on behalf of the respondents 1 and 3 and Mr.B.Nedunchezhiyan,

learned Standing Counsel accepts notice on behalf of the 2<sup>nd</sup> respondent.

2            Though the petitioner prays for a larger relief, the learned counsel for the petitioner, however, restricted the prayer by stating that it would suffice to direct the 1<sup>st</sup> respondent to consider and dispose of the petitioner's representation on merits and in accordance with law.

3            The petitioner claims to be a resident of Padavanur Gate Village, Salamarathupatty Post, Uthangarai Taluk, Krishnagiri District and he has filed this writ petition alleging that he is an agriculturist and a resident of the above said village and there are more than 2500 people residing in the said Village and the respondents are making serious attempts to open a TASMAC shop near Vathiyarkottai

Bus Stand. The said bus stand is used by the School and College going students and also used by the workers employed in a Spinning Mill.

4            The petitioner also expressed his grievance that if the proposed TASMAC shop is opened near the said place, the School and College going students and other users will be gravely affected and put to serious prejudice and nuisance and in this regard, the residents of the said village had submitted a joint representation to the 1<sup>st</sup> respondent, praying for appropriate direction, directing the 2<sup>nd</sup> respondent not to open the TASMAC shop and despite receipt and acknowledgment, no response is forthcoming and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

5            Per contra, Mr.M.K.Subramaniyan, learned Government Pleader appearing for the respondents 1 and 3 and Mr.B.Nedunchezhiyan, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent would submit that the orders passed by the Hon'ble Supreme Court of India dated 15.12.2016 and 31.03.2017 respectively in Civil Appeal Nos.12164 to 12166/2016 will be strictly adhered to and also disputed the contents of the representation submitted by the petitioner.

6            Be that as it may, this Court, without going into the merits of the representation submitted by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 30.05.2017 on merits and in accordance with law and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-  
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AP

To

1. The District Collector  
Krishnagiri District,  
Ariyalur.
2. The District Manager  
TASMAC Limited  
Krishnagiri District, Krishnagiri.
3. The Inspector of Police  
Thamalpatti Police Station  
Krishnagiri, Krishnagiri District.

+1cc to Mr.K.Balu, Advocate in sr.no.44265

+1cc to M/s.B.Nedunchezhiyan, Advocate in sr.no.44404

WP.No.15381/2017

AD(CO)  
NR 28/06/2017

सत्यमेव जयते

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