

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.15382/2017 & WMP.No.16697/2017

M.Mathiyazhagan

Petitioner

Vs

1. The District Collector
Kancheepuram District,
Kancheepuram.
2. The District Manager
TASMAC Limited
Kancheepuram District,
Kancheepuram.
3. The Inspector of Police
Padalam Police Station
Kancheepuram District,
Kancheepuram.

... 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 running the TASMAC shop No.4046 at Vadapathi Village, Mamandur Post, Kancheepuram District or its adjoining area of the said village.

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 2nd 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 be suffice to direct the 1st 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 Vadapathi Village, Mamandur Post, Kancheepuram District and he has filed this writ petition alleging that he is an agriculturist and a resident of the above said village and according to him, there are more than 5000 people residing in the said Village and a Government Middle School and place of worship, viz., a Mosque and Gangaiaamman Koil Temple as well as Prasanna Vidhyamandhir School are located in the said village and very near to the said places, a TASMACHOP bearing No.4046 is being run and it is located within the prohibited distance, i.e., 180 metres. The grievance expressed by the petitioner is that the above said act of the 2nd respondent in running a TASMACHOP within the prohibited distance, is in utter violation of 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 and in this regard, the petitioner has submitted a representation dated 12.06.2017 to the 2nd respondent and despite receipt and acknowledgment, so far no orders have been passed and the nuisance and hardship continues and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Per contra, Mr.M.K.Subramanian, learned Government Pleader appearing for the respondents 1 and 3 would submit that the representation in this regard, is to be submitted to the 1st respondent and admittedly, the petitioner has submitted the representation only to the 2nd respondent and prays for appropriate orders.

5 Mr.B.Nedunchezhiyan, learned Standing Counsel appearing for the 2nd respondent would submit that it is for the 1st respondent to take a call and pass appropriate orders.

6 This Court has carefully considered the rival submissions and also perused the typed set of papers.

7 This Court, without going into the merits of the representation submitted by the petitioner as well as the allegations made in this writ petition, permits the petitioner to submit one more representation to the 1st respondent within a period of one from the date of receipt of a copy of this order

and the 1st respondent, upon receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass appropriate orders within a further period of two weeks thereafter and communicate the decision taken, to the petitioner.

8 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
Kancheepuram District,
Kancheepuram.
2. The District Manager
TASMAC Limited
Kancheepuram District,
Kancheepuram.
3. The Inspector of Police
Padalam Police Station
Kancheepuram District,
Kancheepuram.

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

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

सत्यमेव जयते

WP.No.15382/2017

AD(CO)
NR 29/06/2017

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