

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.15432 of 2017
&
W.M.P.No.16722 of 2017

M.Vajiravelu

... Petitioner

Vs

1. The District Collector
Thiruvallur District,
Thiruvallur.

2. The Managing Director
TASMAC Limited, Egmore,
Chennai 600 008.

3. The District Manager
TASMAC Ltd., Sembarampakkam
Thirumazhisai, Thiruvallur District,
Thiruvallur.

... 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 opening a new TASMAC Wine Shop [Shop No.9014] at Survey No.573/1 in Tower Line Salai, Gopalsamy Nagar, ICF Colony, Atthipattu, Ambattur, Chennai 600 058.

For Petitioner : Mr.R.Thirumoorthy

For R1 : Mr.M.K.Subramaniam,
Government Pleader

For R2 & R3 : 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.Subramaniam, learned Government Pleader accepts notice on behalf of the 1st respondent and Mr.B.Nedunchezhiyan, learned Standing Counsel accepts notice on behalf of the respondents 2 and 3.

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 1st respondent to consider and dispose of the petitioner's representation on merits and in accordance with law.

3. The petitioner, in the affidavit filed in support of this writ petition, would aver among other things that he has filed this Public Interest Litigation in his capacity as the President of ICF Employees Colony Welfare Association and expressing apprehension that the respondents are proposing to open a TASMAC Wine Shop in Shop No.9014 at Survey No.573/1 in Tower Line Salai, Gopalsamy Nagar, ICF Colony, Atthipattu, Ambattur, Chennai 600 058 and the place in which the Wine shop proposed to be open is located in a residential area and it is also very close to Market, Temples, Hospitals etc., and a Primary School is also located within 150 meters from the proposed location of the Wine Shop.

4. The learned counsel for the petitioner would submit that in the event of the above shop is to be located in the said place, it would definitely cause nuisance and hardship to the residents of the locality and it is also in utter violation and disregard to 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. He would further add that the petitioner, on behalf of the Association, has also submitted a detailed representation dated 14.06.2017 to the 3rd respondent and in spite of 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.Subramanian, learned Government Pleader appearing for the 1st respondent and Mr.B.Nedunchezhiyan, learned Standing Counsel appearing for the respondents 2 and 3 would submit that the welfare and sentiments of the people of the locality will definitely be taken into consideration and the representation dated 14.06.2017 submitted by the petitioner to the 1st respondent, will be considered and disposed of on merits and in accordance with law at an early date.

6. This Court, in the light of the above facts and circumstances, without going into the merits of the contents of the representation as well as the averments made in this writ petition, direct the 1st respondent to consider and dispose of the petitioner's representation dated 14.06.2017 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/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Thiruvallur District,
Thiruvallur.
2. The Managing Director
TASMAC Limited, Egmore,
Chennai 600008.
3. The District Manager
TASMAC Ltd., Sembarampakkam
Thirumazhisai, Thiruvallur District,
Thiruvallur.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.44466
+1cc to Mr.B.Nedunchezhiyan, Advocate, S.R.No.4405

W.P.No.15432 of 2017

AD(CO)
CA(28/06/2017)

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