

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16946 of 2017

K.Viswanathan

... Petitioner

Vs.

1.The District Collector,
Thiruppur.

2.The District Manager,
TASMAC Ltd., Thiruppur.
... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS directing the respondents to consider the representation of the petitioner dated 21.06.2017 sent to the respondents to establish TASMAC shop at SF.No.559/2A1A at Ammapalayam, Rakkiyalalayam Village, Thiruppur District and dispose of the same within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondents : M/s.A.Srijayanthi
Special Government Pleader (For R1)
Mr.M.John Kennady (For R2)

O R D E R

Heard Mr.R.Nalliyappan, learned counsel for the petitioner, M/s.A.Srijayanthi, learned Special Government Pleader for the first respondent and Mr.M.John Kennady, learned counsel for the second respondent. With the consent on either side, the writ petition itself is taken up for disposal.

2.The petitioner is the owner of the premises bearing SF.No.559/2A1A at Ammapalayam, Rakkipalayam Village, Thiruppur District. It appears that the second respondent proposed to locate a retail vending liquor shop bearing No.1513 in the premises owned by the petitioner and based on the said proposal, the petitioner is stated to have constructed a pucca shop incurring expenditure to the tune of Rs.10,00,000/- (Rupees ten lakhs only). The shop in question was found to be in an

objectionable place and to that effect, the Tahsildar, Avinasi has submitted a report dated 28.04.2017. The grievance of the petitioner is that for the past three months, the shop has not been re-located in his premises nor the second respondent has informed the petitioner as to whether they are willing to take the shop or not. Therefore, the petitioner submitted a representation to the respondents on 21.06.2017 and since the representation was not considered, the petitioner has filed this writ petition.

3.This Court exercising the jurisdiction under Article 226 of the Constitution of India cannot compel the second respondent to perform a contractual obligation. However, it appears that there is some positive move on the part of the second respondent in proposing to locate the shop No.1513 in the petitioner's premise. Therefore, the petitioner should know as to whether the TASMAL intends to take his premise on lease or not. To that extent, this Court can direct the respondents to consider the representation.

4.In the light of the above observations, this writ petition stands disposed of by directing the second respondent to send a suitable reply to the petitioner's representation dated 21.06.2017 within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Asst.Registrar (CS V.)

/true copy/

Sub Asst. Registrar

abr

To

1.The District Collector,
Thiruppur.

2.The District Manager,
TASMAL Ltd., Thiruppur.

+1cc to Mr.R.Nalliyappan,Advocate sr.46635

+1cc to Mr.M.John Kennady,Advocate sr.46833

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ss(19/7/2017)