

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2017
Coram

The Hon'ble Mr.Justice T.S.Sivagnanam
&
The Hon'ble Mr.Justice K.Ravichandrababu

W.P.No.17027 of 2017
&
W.M.P.No.18483 of 2017

K. Duraisamy ...Petitioner

Vs.

1. The Managing Director,
TASMAC, Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600008.
 - 2.The District Collector,
Coimbatore District,
Coimbatore.
 - 3.The Sub-Collector,
Pollachi,
Coimbatore District.
 4. The Tahsildar,
Taluk Office,
Kinathukadavu,
Coimbatore District.
 5. The Manager,
TASMAC, Pollachi,
Coimbatore District.
- ...Respondents

Prayer:-

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to shut down the TASMAC Shop located near Kallukuli Bus stop, in Survey No.322, Vadaputhur Village, Kinathukadavu Taluk, Coimbatore District, by considering the representation submitted, including the one, dated 03.06.2017.

(prayer amended, as per the order passed today, in
W.M.P.No.19867 of 2017 of this W.P.)

For Petitioner : Mr.V.Ravi

For Respondent-2 to 4 : Mr. T.N.Rajagopalan
Government Pleader (I/c)

For Respondents 1 &5 : Mr.K.Sathish Kumar

O R D E R

(Order of the Court was delivered by T.S.Sivagnanam, J.,)

Heard Mr.V.Ravi, the learned counsel appearing for the petitioner and Mr. T.N.Rajagopalan, the learned Government Pleader (I/c) for the respondents 2 to 4, and Mr.K.Sathish Kumar, the learned counsel appearing for the respondents 1 and 5.

2. The grievance of the petitioner is that, the TASMAC retail vending shop is located in an agricultural land, and it will disturb the peaceful atmosphere in the Village, and it would also cause nuisance to the residents of that locality, especially, ladies, and also to the girls, who are studying in the School situate in the nearby vicinity.

3. We find from the copies of the representations filed in the typed-set of papers that, several persons have signed the representations and also furnished mobile phone numbers. Thus, it appears that, there is a lot of public grievance with regard to the location of the shop. Therefore, the second respondent/District Collector has to look into the matter, and if it is found that the shop creates nuisance in the Village, and the site chosen is not conducive or in violation of the Rules, action should be taken to shift the shop.

4. Accordingly, this Writ Petition is disposed of, by directing the second respondent/District Collector to authorize one of the senior officers to inspect the TASMAC Shop, in question, preferably, by way of surprise inspection, and based on such inspection report, the second respondent shall look into the grievance of the petitioner and after affording an opportunity to the petitioner to personally appear before him and shall take a pragmatic decision in the matter in accordance with law, as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. No costs. Consequently, connected Writ Miscellaneous Petition.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Managing Director,
TASMAC, Thalamuthu Natarajan Maligai,
Egmore, Chennai - 600008.
2. The District Collector,
Coimbatore District, Coimbatore.
3. The Sub-Collector,
Pollachi, Coimbatore District.
4. The Tahsildar,
Taluk Office, Kinathukadavu,
Coimbatore District.
5. The Manager,
TASMAC, Pollachi,
Coimbatore District.

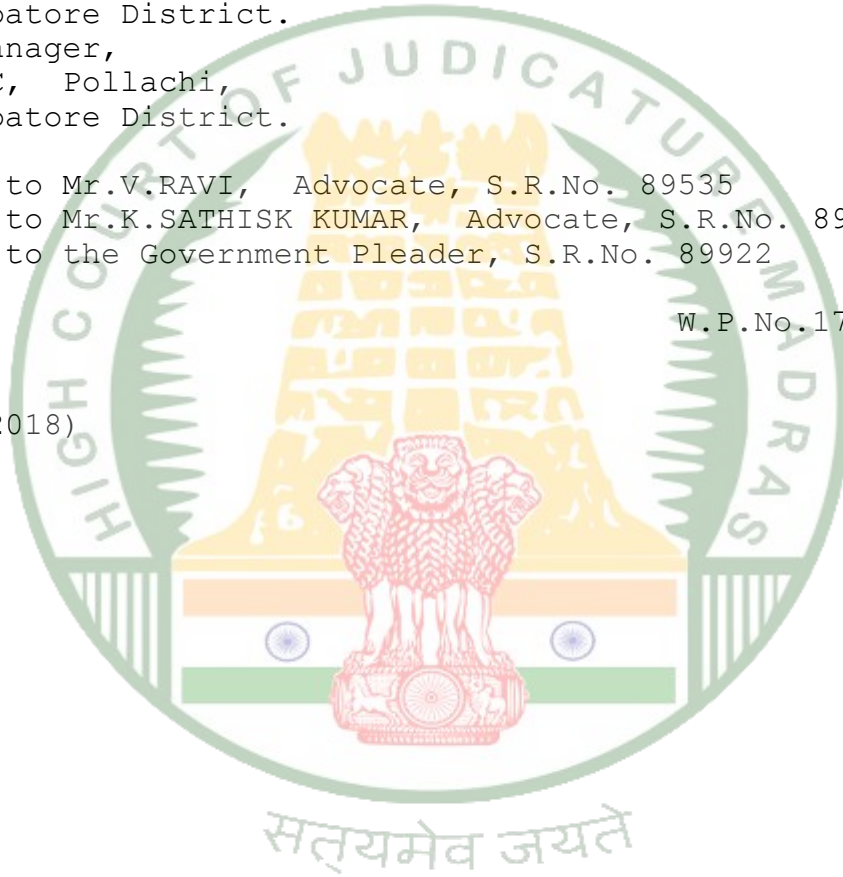
+1cc to Mr.V.RAVI, Advocate, S.R.No. 89535

+1cc to Mr.K.SATHISK KUMAR, Advocate, S.R.No. 89784

+1cc to the Government Pleader, S.R.No. 89922

W.P.No.17027 of 2017

AK(CO)
TR(18/01/2018)



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