IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.17352 of 2017
and W.M.P.No.18857 of 2017

V.Raja ... Petitioner

-vs-

1.The District Collector,
Tiruvallur District, Tiruvallur.

2.The Senior Regional Manager,
TASMAC, LLA Building,
Mount Road, Chennai.

3.The District Manager,
TASMAC, Tiruvallur East,
No.1, Chennai-Bangalore Highway,
Sembarambakkam, Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from either opening any TASMAC Shop or shift the Shop No.8833 at Plot No.3, PC/7, Mogappair West, Chennai-37.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.T.N.Rajagopalan,
Spl.G.P. For R-1
: Mr.B.Nedunchezhian,
Stdg. Counsel for RR 2 and 3

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

In this writ petition, the petitioner is seeking a writ of mandamus or direction in the nature of a writ restraining the respondents from opening any TASMAC shop at or from shifting TASMAC Shop No.8833 to Plot No.3, PC/7, Mogappair West, Chennai 600 037.

2.In the writ petition, it is pleaded that there is already TASMAC Shop No.8766 running at Plot No.3, PC/8, Mogappair West, Chennai 600 037. The respondents are, however, taking steps to start another TASMAC Shop No.8833 at Plot No.3, PC/7, Mogappair West, Chennai 600 037, within a distance of 10 meters from the existing shop.

3.There is a vague averment in the writ petition that the proposed TASMAC Shop is within the prohibited distance. However, the learned counsel appearing on behalf of the petitioner is not able to advert to any Rule, Regulation, Government Order or order of Court, which prohibits the opening of a second TASMAC shop within a distance of 10 meters from an existing TASMAC shop.

4.A writ lies for enforcement of a constitutional right, a legal right or may be even an equitable right. In a Public Interest Litigation, some right, may be constitutional, legal or even equitable of the public at large specially a disadvantaged, vulnerable or underprivileged group may be canvassed on their behalf by some other public spirited citizens. However, when there is no violation of any right whatsoever, the interference of the Writ Court is not warranted.

The writ petition is, therefore, dismissed. No costs. Consequently, W.M.P.No.18857 of 2017 is also dismissed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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sra

To

1.The District Collector,
Tiruvallur District, Tiruvallur.

2.The Senior Regional Manager,
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Mount Road, Chennai.

3.The District Manager,
TASMAC, Tiruvallur East,
No.1, Chennai-Bangalore Highway,
Sembarambakkam, Chennai.

+1cc to Mr.C.Prakasam, Advocate Sr.48209
+1cc to Mr.B.Nedunchezhiyan, Advocate Sr.47845

W.P.No.17352 of 2017

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