

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.27598 of 2017
& W.M.P. No.29527 of 2017

R.Raja

...Petitioner

Vs.

1. The District Collector, Namakkal District.
2. The District Manager, Tasmac Limited, Namakkal.
3. The Zonal Manager, Tasmac Ltd, Salem.
4. The Inspector of Police, Rasipuram.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondent to remove the Tasmac Shop No.6208 from door no, 11/8, Thata Kuttai Road, Rasipuram, Namakkal District in and around or its adjacent Road and pass orders.

For Petitioner : Mr.V.Perumal
For Respondents 1 and 4 : Mr.R.Rajeswaran, SGP For
Respondents 2 and 3 : Mr.K.Sathish Kumar

O R D E R

Heard Mr.V.Perumal, learned counsel for the petitioner, Mr.R. Rajeswaran, Special Government Pleader accepting notice for respondents 1 and 4 and Mr.K.Sathish Kumar, learned Standing Counsel accepting notice for respondents 2 and 3.

2. The petitioner is aggrieved by the location of Tasmac shop No. 6208 at No.11/08, Thatankuttai Road, Rasipuram, Namakkal District. It appears that the petitioner is residing near the shop, which is functioning since September 2017. The petitioner complaint that the drunkards are behaving in an indecent manner in the area and he and his family members are greatly affected.

3. The learned Standing Counsel for respondents 2 and 3 submits that as the shop was located after obtaining due approval from the District Collector and there is no violation of the distant rules and as held by the Hon'ble First Bench, such a prayer sought for by the petitioner should not be granted. In the instant case, the petitioner has not pointed out any violation of the distant rule. But, he appears to have complained about the nuisance. In this regard, representations are pending before the respondents.

4. Thus, taking note of the facts and circumstances of the case, the writ petition is disposed of with a direction to the second respondent to consider the petitioner's representation dated 08.09.2017 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of the copy of this order.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

smn

To

1. The District Collector, Namakkal District.
2. The District Manager, Tasmac Limited, Namakkal.
3. The Zonal Manager, Tasmac Ltd, Salem.
4. The Inspector of Police, Rasipuram.

+1 CC to Mr.K. Sathish Kumar, Advocate sr 76199.

+1 Cc to Mr.V. Perumal, Advocate sr 75979.

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SP(10/11/2017)

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