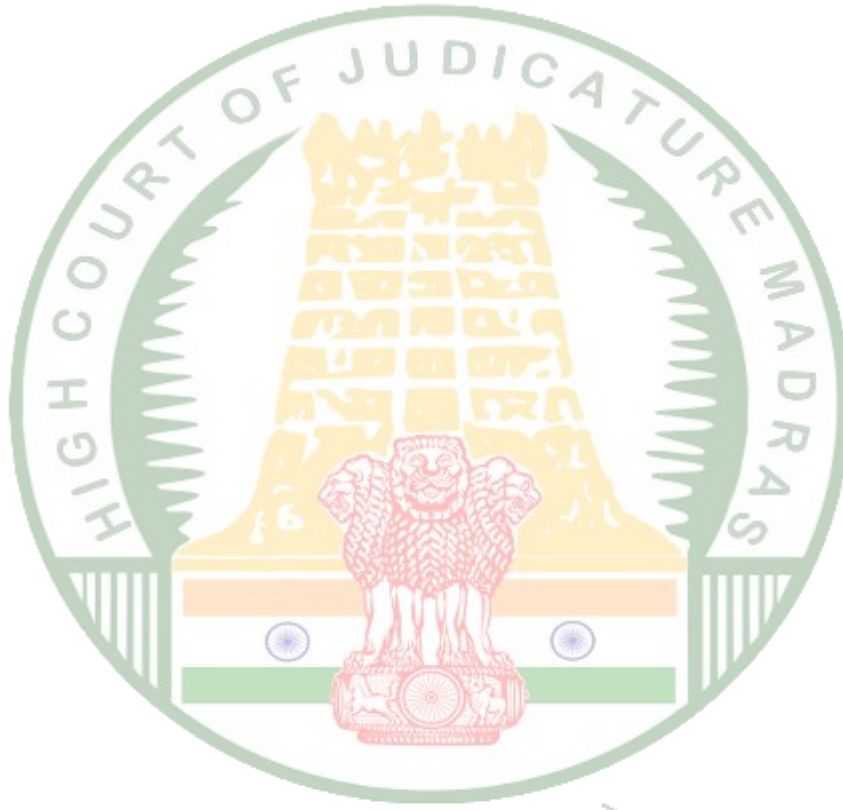




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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.27704 of 2017

G.Elavarasan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Ariyalur District, Ariyalur.

2.The District Manager,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC),
Perambalur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to reopen the TASMAC - IMFS retail vending Shop No.6417, in the building at Survey No.12/12 A, Thirumanur Post, Ariyalur Taluk and District based on the petitioner's representation dated 11.10.2017 and the 2nd respondent proceeding Na.Ka.No.691/A1/2017 dated 01.08.2017.

For Petitioner : Mr.R.Subburaj

For 1st Respondent : Mr.R.Rajeswaran
Special Government Pleader

For 2nd Respondent : Mr.B.Nedunchezhiyan

ORDER

Heard Mr.R.Subburaj, learned counsel for the petitioner; Mr.R.Rajeswaran, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.B.Nedunchezhiyan, learned Standing Counsel accepts notice on behalf of the 2nd respondent. By consent on either side, the writ petition is taken up for disposal.

2.The petitioner owns a land and building at Survey No.12/12A, Thirumanur Post, Ariyalur Taluk and District and



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offered the place for establishing the TASMAC-IMFS Retail Vending Shop No.6417. The 2nd respondent appears to have certified that the shop is suitable for locating the retail vending liquor shop. The petitioner believing that the shop will be established in his property, is stated to have substantially spent funds to construct the shop along with the bar. However, the respondent TASMAC has not located the shop in the petitioner's premises and has located it elsewhere.

3.Mr.B.Nedunchezhiyan, learned Standing Counsel for the TASMAC submits that on account of public objections, the shop could not be located in the premises owned by the petitioner. Therefore, with the approval of the District Collector, the shop has been located in a different location.

4.In my considered view, the petitioner has no vested right to insist that the 2nd respondent should locate the premise in his shop. In the instant case, it is stated that there is public objection. The new premise has been approved by the District Collector. Therefore, the question of issuing a writ of mandamus to direct the respondents to locate the shop in the petitioner's premises does not arise. However, if on the strength of the assurance given by the TASMAC, the petitioner has spent money for providing necessary infrastructure, it is open to the petitioner to work out the remedy against the respondent TASMAC for claiming appropriate compensation.

5.The Writ Petition is dismissed, with the above observations. No costs.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

Sgl

To

1.The District Collector,
Office of the District Collector,
Ariyalur District, Ariyalur.

2.The District Manager,
The Tamil Nadu State Marketing
Corporation Limited (TASMAC), Perambalur.

1 cc to MR.B.NEDUNCHEZHIAN Advocate SR.NO. 76897

W.P.No.27704 of 2017

RD 20/11/2017