

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM.

Writ Petition No.17700 of 2017
and W.M.P.No.19206 of 2017

G.Manjula

... Petitioner

vs

1.The District Collector,
Vellore District,
At Vellore.

2.The District Manager,
TASMAC, (retail sales),
TASMAC District Office,
Vellore District,
Vellore - 9.

3.The Revenue Divisional Officer,
K.V.Kuppam, Vellore - 9,
Vellore District.

4.The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

5.G.Venkatesan

6.G.Ravi

7.G.Kumarasamy

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the Respondents 1 to 4 to shut down the IMFL Shop opened in the petitioner's property bearing S.No.99/2A3, 99/2B1, 99/2A1 and 125/A, Nagal Village, Gudiyaththam Taluk, Vellore District, admeasuring 1.64.50 Hectares.

For Petitioner : Mr.C.K.M.Appaji

For R1, R3, R4 : M/s.Lalitha
Government Advocate

For R2 : Mr.M.Johnkennedy

O R D E R

Heard Mr.C.K.M.Appaji, learned counsel for the petitioner, M/s.Lalitha, learned Government Advocate for the respondents 1, 3 and 4 and Mr.M.John Kennedy, learned counsel for the 2nd respondent.

2.The petitioner claiming herself to be the joint owner of the property where a TASMAC Shop has been established has approached this Court directing the respondents to close down the said shop. The petitioner's case is that the respondents 5 to 7, who are the brothers without any authority of law have unilaterally executed lease in favour of the TASMAC for establishing a retail vending shop.

3.The learned counsel appearing for the TASMAC/respondents 1, 3 and 4 submitted that the person who executed a lease is none other than the petitioner's mother Tmt.Valliammal and she has not been made as a party to the writ petition. Further, there is other sister of the petitioner who is also one of the joint owner of the said property and she has also not made as a party respondent.

4.The learned counsel for the petitioner would submit that it is not only the objections pertaining to the right of the respondents 5 to 7 to lease out the property but also because of the sensitivity in the area where there was a rampant illicit brewing or arrack which was brought under control by the Police.

5.In my considered view, the present litigation appears to be on account of the internal dispute within the family, i.e. between the petitioner and her brothers. The person who has leased out the property is none other than the petitioner's mother and she has not been impleaded as a party in this writ petition. Therefore, at the first instance, the petitioner should seek appropriate remedy before the Civil Court against the co-owners and only then, the petitioner would be entitled to approach the authorities by way of a representation. With regard to the allegation that the area is a very sensitivity area and in the past, there were the group clash on account of illicit brewing of arrack, the first respondent made take note of the situation and assess the situation and take appropriate action in accordance with law.

6.With the above observation the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

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At Vellore.

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3. The Revenue Divisional Officer,
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Vellore District.

4. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

+ 1 cc to M/s.M.John Kennady, Advocate,SR.48552

+ 1 cc to M/s.C.K.M.Appaji, Advocate,SR.49478

+ 1 cc to The Govt.Pleader, SR.48765

W.P No.17700 of 2017

SR(CO)
NR 26/07/2017

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