

In the High Court of Judicature at Madras

Dated : 24.7.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.18707 of 2017 & WMP No.20252 of 2017

K.Kandhasamy

... Petitioner

Vs.

1. The District Collector, Namakkal
District, Namakkal.

2. The District Manager, Tamil Nadu
State Marketing Corporation Ltd.,

3. The Tahsildar, Namakkal Taluk,
Namakkal.

4. Mr.P.Udhayakumar

... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 3 not to approve, permit and open the TASMACH Shop No.5986 in the house of the fourth respondent at D.No.17/1/1 in Survey Number 370/1B, Elur Village, Namakkal Taluk and District.

For Petitioner : Mr.C.Kulanthaivel

For Respondents 1 and 3 : Ms.M.Lalitha, GA

For Respondent-2 : Mr.B.Nedunchezhiyan

ORDER

Ms.M.Lalitha, learned Government Advocate accepts notice for respondents 1 and 3. Mr.B.Nedunchezhiyan, learned Standing Counsel accepts notice for the second respondent. Heard both sides. In view of the order, which this Court proposes to pass,

notice to the fourth respondent is dispensed with and the writ petition itself is taken up for final disposal.

2. The petitioner, who is a resident of Elur Village, is aggrieved by the location of a TASMAL liquor retail vending shop adjacent to his residence. The petitioner, apart from stating that the shop has been located in violation of the relevant Rules, would submit that the building, owned by the fourth respondent, has been taken on lease for locating the shop and that the said building is a residential house constructed with Government's subsidy and cannot be converted for a commercial purpose, that too, for establishing a liquor shop.

3. In this regard, the petitioner submitted a representation to respondents 1 and 3. Apart from that, the general public also submitted a representation to the first respondent. Therefore, this is a fit case where the first respondent should consider the representation of the petitioner and take appropriate action in accordance with law.

4. Accordingly, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 10.7.2017 on merits and pass orders thereon in accordance with law, after directing an inspection to be conducted as to the location. The above exercise shall be completed within a period of ten days from the date of receipt of a copy of this order. The petitioner is directed to forward a copy of the representation along with a copy of this order to the first respondent for his due consideration and compliance. No costs. Consequently, the above WMP is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

RS

To

1.The District Collector, Namakkal District, Namakkal.

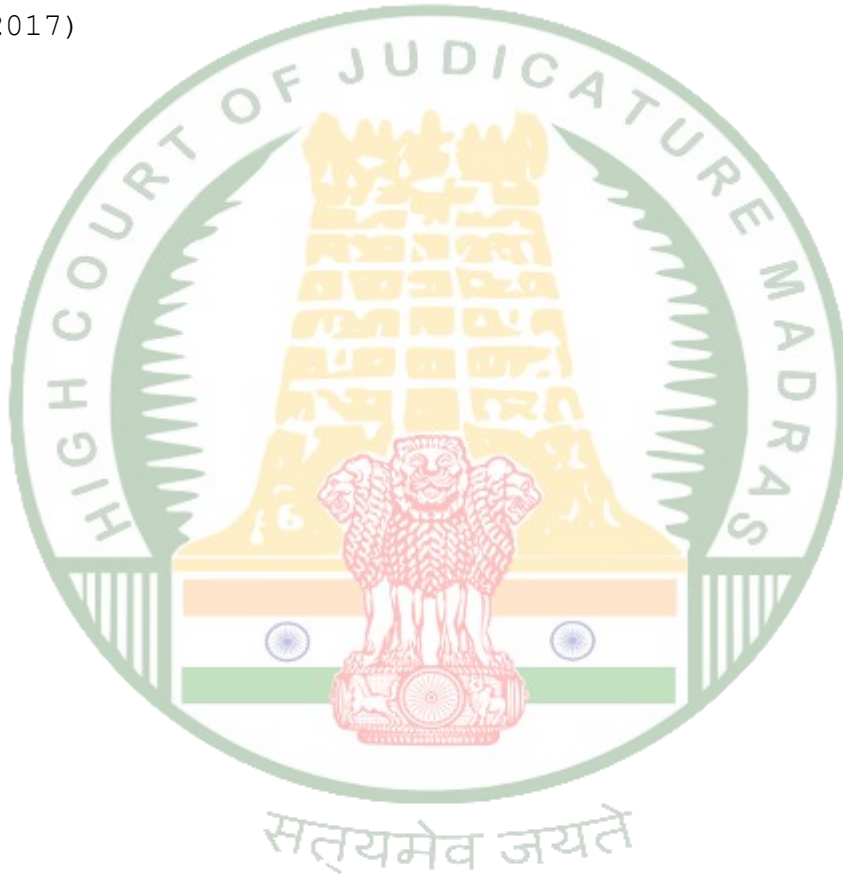
2.The District Manager, Tamil Nadu State Marketing Corporation Ltd.,

3.The Tahsildar, Namakkal Taluk, Namakkal.

+1cc to M/s.C.Kulanthaivel, Advocate, S.R.No.51829/17

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CU (25/07/2017)



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