

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P.No.41882 of 2016
and W.M.P.No.35871 of 2016

S.Alamelu

... Petitioner

vs.

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Prohibition and Excise,
Chepauk, Chennai - 600 005.
- 3.The District Collector,
Chennai Collectorate Building,
Rajaji Salai, Chennai - 600 001.
- 4.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.
- 5.The District Manager,
Chennai [South], IMFS Depot,
TASMAC Ltd., TASCOT Unit,
B4 Flats, Industrial Estate,
Ambattur, Chennai.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondents from in any way shifting/re-locating the TASMAC shop bearing No.914 functioning at Narmadha Apartments at Door No.21, III Cross Street, Raja Annamalai Puram, Chennai -28 to the new shop in Door No.113m Canal Bank Road, Raja Annamalai Puram, Chennai - 28 in contravention to the order passed by this Court in W.P.No.26049 of 2014 dated 04.07.2016.

For Petitioner : Mr.G.V.Seetha Lakshmi

For Respondents: Mr.K.Venkatesh,
Government Advocate for R1 to R3
Mr.C.Kasirajan for R4 to R5

O R D E R

1. By consent, the writ petition is taken up for final disposal.

2. I am informed that the Division Bench has disposed of the Writ Appeal pending before them, being W.A.No.1623 of 2016, vide order dated 21.12.2016.

3. This writ petition raises an objection to the relocation of TASMAC shop, bearing No.914, located at Narmadha Apartments at Door No.21, III Cross Street, Raja Annamalai Puram, Chennai -28.

3.1. I am informed that the aspect of relocation was also agitated before the Division Bench, albeit, not by the petitioner herein, but by one Ms.Thenmozhi.

4. The Division Bench, however, dismissed the writ appeal and directed the respondents herein to comply with the learned Single Judge's order, if it had not been complied with, within a period of 30 days.

4.1. I am informed that the relocation of the subject TASMAC shop has not taken place, as yet.

5. Therefore, the aspect concerning relocation of the subject TASMAC shop from its existing location, which is, Narmadha Apartments, at Door No.21, III Cross Street, Raja Annamalai Puram, Chennai -28, cannot be debated any longer as it has attained finality in so far as this Court is concerned. However, the question, which has been raised by the petitioner herein is, should the relocation be made to premises described as new shop, in Door No.113, Canal Bank Road, Raja Annamalai Puram, Chennai - 28. I am told that the proposed area of relocation is in close proximity to the earlier location. Therefore, I asked the counsel for respondents 4 and 5 as to whether they would like to consider the objections raised by the petitioner in the writ petition.

5.1. Counsel for respondents 4 and 5 says that the said respondents could treat the writ petition as a representation and thereafter, take a final decision as to whether or not the subject TASMAC shop should be shifted to the proposed location.

6. Accordingly, the writ petition is disposed of with a direction that the instant writ petition will be treated as a representation by respondents 4 and 5. Respondents 4 and 5 will afford personal hearing to the petitioner and thereafter, pass a speaking order. This exercise, will not come in the way of respondents 4 and 5 complying with the directions of the Division Bench.

7. The Writ petition is closed in terms of the directions set out above. There shall, however, be no order as to costs. Resultantly, the connected application is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsm

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
 - 2.The Commissioner of Prohibition and Excise,
Chepauk, Chennai - 600 005.
 - 3.The District Collector,
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 - 4.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
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Egmore, Chennai - 600 008.
 - 5.The District Manager,
Chennai [South], IMFS Depot,
TASMAC Ltd., TASCO Unit,
B4 Flats, Industrial Estate,
Ambattur, Chennai.
- +1cc to M/s. G.v. Seetha Lakshmi, Advocate, S.R.No.5517
+1cc to Mr.C. Kasirajan, Advocate, S.R.No.5887
+1cc to the Government Pleader, S.R.No.6228

RP(CO)

EU 14.2.17

W.P.No.41882 of 2016