



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. [MD].No.10809 of 2017

K.Periyandavar

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The District Manager, TASMAC,
Office of the District Collectorate,
Virudhunagar District, Virudhunagar.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent not to open TASMAC shop L.Mettur Village, Vembakottai Taluk, Virudhunagar District, on the basis of the petitioner's representation dated 31.05.2017.

For Petitioner : Mr.M.Sankar
For Respondent : Mr.B.Pugalendhi
Additional Advocate General
Assisted by Mr.M.Muniyasamy
Standing Counsel

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.Sankar, learned counsel for the petitioner and Mr.B.Pugalendhi, learned Additional Advocate General, assisted by Mr.M.Muniyasamy, learned Standing Counsel for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner seeks for issuance of a Writ of Mandamus directing the first respondent not to open TASMAC shop at L.Mettur Village, Vembakottai Taluk, Virudhunagar District, on the basis of his representation dated 31.05.2017.

3. Earlier, the petitioner had approached this Court and filed W.P.(MD).No.9564 of 2017, seeking a direction to the first respondent, therein either to shift the TASMAC Shop bearing No.11985 to some other place other than that of the petitioner's residential area or to remove the TASMAC Shop situated in L.Mettur Village,



Vembakottai Taluk, Virudhunagar District.

4. We find that the said Writ Petition was disposed of, on 24.05.2017, by directing the first respondent to consider the representation of the petitioner dated 27.04.2017 and pass appropriate orders on merits and in accordance with law within a time frame. The time limit prescribed by this Court is yet to expire. In the meantime, the petitioner has come forward with the present Writ Petition claiming that another shop is attempted to be opened in the very same place.

5. Mr.B.Pugalendhi, learned Additional Advocate General, would submit that the shop in question was initially located within the prohibited distance from the National Highways, as per the Judgment of the Hon'ble Supreme Court and subsequently, it has been shifted to a far off place and the shop has been opened on 11.04.2017. Further, it is submitted that the District Collector will consider the objection raised by the petitioner and pass appropriate orders, in terms of the earlier directions issued by this Court.

6. In the light of the above, we dispose of the Writ Petition, by directing the District Collector, Virudhunagar, to adhere to the directions issued in W.P.(MD).No.9564 of 2017, dated 24.05.2017 and comply with the same in its letter and spirit. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The District Manager, TASMAG,
Office of the District Collectorate,
Virudhunagar District, Virudhunagar.

+1cc to Mr.SPECIAL GOVERNMENT PLEADER Advocate in SR. No.59899

+1cc to M/s.M.SANKAR Advocate in SR. No.59913

NB

JS/GT.SAR.2/2P-5C/20.6.2017

**ORDER MADE IN
W.P. [MD] .No.10809 of 2017
09.06.2017**