



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**  
**and**  
**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.11702 of 2017  
and  
W.M.P (MD) Nos.10230 and 13036 of 2017

P.Arulraj .. Petitioner

Vs.

1.The District Collector,  
Pudukottai,  
Thoothukudi District.

2.The Managing Director,  
Tamil Nadu State Marketing,  
Corporation Ltd., (TASMAC),  
Chennai.

3.The Tahsildar,  
Thoothukudi Taluk,  
Thoothukudi District.

4.The District Manager,  
Tamil Nadu State Marketing,  
Corporation Ltd., (TASMAC),  
Thoothukudi,  
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the TASMAC shop in S.No.294/5B, Pudukottai Village (Pudukottai to Kuttampuli main road), Thoothukudi District.

For petitioner : Mr.R.J.Karthick  
For R1 & R3 : Mr.M.Govindan  
Special Government Pleader.  
For R2 & R4 : Mr.B.Jameel Arasu  
for TASMAC

For Petitioner in WMP (MD)

<https://hcservices.ecourts.gov.in/hcservices/> No.10230/2017: Mr.P.M.Vishnuvarthanan  
Advocate Commissioner : Mr.L.Prabhu

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

WEB COPY

The writ petitioner seeks removal of the TASMACH shop in S.No.294/5B, Pudukottai Village (Pudukottai to Kuttampuli main road), Thoothukudi District.

2.The writ petitioner alleges that the shop is located within a prohibited distance. In order to verify the said claim, this Court has appointed an Advocate Commissioner. The Advocate Commissioner filed after inspecting the property filed this report dated 31.07.2017 pointing out that church is located within 89 meters from the shop in question. This is a clear violation of the statutory provision.

3.This Court therefore directs the closure of the said TASMACH shop. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To:

1.The District Collector,  
Pudukottai,  
Thoothukudi District.

2.The Tahsildar,  
Thoothukudi Taluk,  
Thoothukudi District.

+One cc to Mr.R.J.Karthick, Advocate, SR.No.75572

psd/rmi  
RL/4C/2P/JC/SAR1/26/10/2017

ORDER MADE IN  
W.P. (MD) No.11702 of 2017

and  
W.M.P (MD) Nos.10230 and 13036 of 2017

30.08.2017