



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 27.07.2017**

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.11997 of 2017

and

W.M.P. (MD) .No.9231 of 2017

N.Ramadoss Naidu

..Petitioner

Vs

1.The District Collector,
Madurai District, Madurai.

2.The Senior Regional Manager,
TASMAC Limited,
Madurai District, Madurai.

3.The Deputy Collector/ The District Manager,
Madurai South,
Madurai District.

4.The Deputy Commissioner of Police,
Madurai City, Madurai.

5.The Inspector of Police,
Thiruparankundaram Police Station,
Madurai, Madurai District.

6.The Divisional Engineer,
Highways Department,
Madurai, Madurai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to continue to run the TASMAC Shop No.5315, situated at 247, Periya Ratha Veethi and GST Main Road, Thiruparankundram, Madurai District by considering the petitioner's representation dated 12.06.2017.

For Petitioner :Mr.C.Sundaravadivel

For Respondents :Mr.B.Pugalendhi,

Additional Advocate General,
assisted by

Mr.M.Muniyasamy

ORDER

The writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to continue to run the TASMAC Shop No.5315, situated at 247, Periya Ratha Veethi and GST Main Road, Thiruparankundram, Madurai District by considering his



representation, dated 12.06.2017.

2.The petitioner is running a TASMAC Shop No.5315, situated at 247, Periya Ratha Veethi and GST Main Road, Thiruparankundram, Madurai District. The said TASMAC shop along with other three shops are going to be shifted to some other places on the ground that the functioning of the said TASMAC shop was opposed not only by the general public, but also by one rival claimant with political assistance. The said opposition was on the allegation that the shop is situated within 500 metres from the residential area and town.

3.In order to know the location of the shop in question, this Court appointed two Advocate Commissioners by an order dated 30.06.2017 to inspect the shop in question and file a report along with sketch before this Court on 27.07.2017. Today, the learned Advocate Commissioners filed their reports, after thorough inspection in the presence of the Taluk Surveyors as well as other officials on 07.07.2017, which reads as follows:

"The TASMAC shop No.5315 is located beneath the bridge. The flyover length is about 625 meters. The fly over ends in service road. From the service road, it measures 150 metres and towards shop 'L' curve intervenes which measures 13 meters. Further, towards shop, it measures 53 meters. Totally, the shop is located 841 meters from the State Highways. From the shop, it leads to Railway track which is the dead-end and where there is no authorized pedestrian crossing.

From our observation, the TASMAC shop No.5315 is exactly located in a commercial area. The petitioner's shop is a retail shop running without bar.

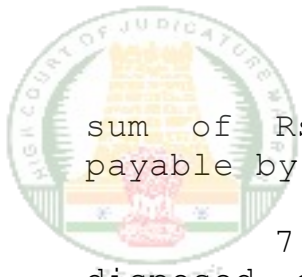
Therefore, we conclude that the TASMAC shop No.5315 situated in S.No.247, Periya Ratha Veethi, GST Main Road, Thirupparankundran, Madurai District is located beyond 841 meters from the State Highways."

4. In the above circumstances, I am of the view that there may not be any impediment for the authorities to consider the claim of the petitioner, as made in the representation dated 12.06.2017.

5.Hence, the respondents 1 to 3 are directed to consider the representation of the petitioner, dated 12.06.2017 and pass necessary orders, within a period of six weeks from the date of receipt of a copy of this order, after hearing the petitioner as well the rival claimants, if any.

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6.While placing on record the efforts taken by the learned Advocate Commissioners appointed by this Court, a further



sum of Rs.7,500/- each is fixed as additional remuneration, payable by the petitioner.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The Senior Regional Manager,
TASMAC Limited,
Madurai District, Madurai.
3. The Deputy Collector/ The District Manager,
Madurai South,
Madurai District.
4. The Deputy Commissioner of Police,
Madurai City, Madurai.
5. The Inspector of Police,
Thiruparankundaram Police Station,
Madurai, Madurai District.
6. The Divisional Engineer,
Highways Department,
Madurai, Madurai District.

Copy to:

1. MRS. K. R. SIVASANKARI,
ADVOCATE LAW CHAMBER NO. 75,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
2. Mr. P. SARAVANAKUMAR,
ADVOCATE LAW CHAMBER NO. 77,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to Mr. C. SUNDARA VADIVEL Advocate in SR. No. 68166

VS

JS/KP/SAR, 4/2.8.2017/3P-10C

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W.P (MD) No. 11997 of 2017
27.07.2017