



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD)No.19347 of 2017

and

W.M.P (MD)No.15662 of 2017

The Secretary,
District Committee,
Tamil Nadu Tribal Association,
Dindigul District - 624 001.

: Petitioner

vs.

1.The District Collector,
Dindigul District,
Dindigul - 624 001.

2.The Managing Director,
Tamil Nadu State Marketing Corporation
Limited(TASMAC),
Egmore, Chennai - 600 008.

3.The District Manager,
Tamil Nadu State Marketing Corporation
Limited(TASMAC),
Dindigul District - 624 001.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents to forebear from setting up any TASMAC Shop at Kamanur Village of Kodaikanal Taluk, Dindigul District and more particularly at Kuliyadi Chitharevu to Thandigudi Ghats Road, Kamanur Village, Kodaikanal Taluk, Dindigul District.

For Petitioner :Ms.Abisha Issac
for M/s.Issac Chambers

For Respondent-1 :Mr.T.R.Janarthanan
Additional Govt.Pleader

For Respondents :Mr.H.Arumugam
2 and 3 Standing Counsel for TASMAC

**O R D E R**

[Order of the Court was made by **M.VENUGOPAL, J.**]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to forebear from setting up any TASMAL Shop at Kamanur Village of Kodaikanal Taluk, Dindigul District and more particularly at Kuliyadi Chitharevu to Thandigudi Ghats Road, Kamanur Village, Kodaikanal Taluk, Dindigul District.

2. Heard both sides. No counter is filed on behalf of the respondents 1 to 3.

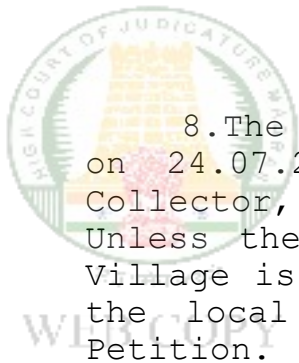
3. By consent, the main Writ Petition itself is taken up for final disposal.

4. According to the Petitioner, he is the present District Secretary of the Tamil Nadu Tribal Association of Dindigul District and around 250 members in the Association are from the Kamanur Village. The said Kamanur Village Panchayat is located at Kodaikanal Taluk of Dindigul District and there are around 12 small villages in the Kamanur Village Panchayat. The entire area is in hill station and most of the people in the village are economically backward.

5. The learned counsel for the Petitioner points that there was a liquor outlet by the second respondent in Mangalamkombu Village of Kamanur Village Panchayat. From the insertion of the said liquor shop, there is continuous problem in the village, as many outsiders come down to the village to consume and to buy liquors. There was various accidents due to drink and drive. Various outsiders used to drink and create problem with the poor village people etc.

6. Apart from that, the village next to Kamanur is Thandigudi Village Panchayat. One TASMAL Shop No.3331 was located in the said village. Hence the local people of Thandigudi village went on agitation to close down the said shop. The said TASMAL shop No.3331 at Thandigudi Village was located within 500 meters from the State and National Highways (M733). Further, instead of closing the said TASMAL Shop, the respondents 2 and 3 have attempted to re-locate the said shop to some other place in the same village. Since the local people of Thandigudi Village agitated for shifting of the same from the very same village, the third respondent took measures to shift the said shop again to Mangalamkombu Village.

7. The learned counsel for the Petitioner proceeds to add that the local people of Kamanur Village Panchayat was very happy with the closure of TASMAL shop and totally two TASMAL shops were closed in the Kodaikanal Taluk on 19.6.2016. Now the school going children and working women are moving freely due to the closure of the said shops. People are living very peacefully in that area.



8.The whole villagers have submitted a petition/representation on 24.07.2017 addressed to the first respondent/The District Collector, Dindigul District, headed by the Village President. Unless the setting up of the proposed TASMAC shop in the Kamanur Village is stopped, grave prejudice and hardship would be caused to the local people, Hence the Petitioner filed the present Writ Petition.

9.Considering the fact that the Petitioner's representation dated 24.7.2017 addressed to the first respondent/The District Collector, Dindigul District is pending for consideration(with a copy being marked to the Honourable Chief Minister's Special Cell and other four respondents) in regard to the setting up of TASMAC shop in question in Kamanur Village, Kodaikanal Taluk, Dindigul District, this Court, without expressing any opinion one way or other on the contents and merits of the representation of the Petitioner, dated 24.7.2017, simpliciter, directs the first respondent/The District Collector, Dindigul District to look into the representation of the Petitioner within a period of ten days from the date of receipt of a copy of this order. Thereafter, the first respondent is directed to dispose of the said representation of the Petitioner, dated 24.07.2017 on merits, within a period of two weeks, of course, after providing necessary opportunity to the Petitioner and others concerned, if any, by following the principles of natural justice. It cannot be gain-said that the first respondent/The District Collector, Dindigul District shall advert to all the factual and legal pleas raised in connection with the representation of the Petitioner, dated 24.7.2017 and to pass a speaking order on qualitative and quantitative terms.

10.With the above said observation(s) and direction(s), the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District,
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2.The Managing Director,
Tamil Nadu State Marketing Corporation
Limited(TASMAC),
Egmore, Chennai - 600 008.



3.The District Manager,
Tamil Nadu State Marketing Corporation
Limited(TASMAC),
Dindigul District - 624 001.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 82999
+1cc to ISAAC CHAMBERS Advocate in SR. No. 82984
+1cc to M/s.H.ARUMUGAM Advocate in SR. No. 82864

VSN

VB/SV.MMS/SAR.1/4P-7C/27.10.2017

ORDER MADE IN
W.P. (MD) No.19347 of 2017
and
W.M.P (MD) No.15662 of 2017
13.10.2017