



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.22502 of 2017

Harikrishnan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Manager,
TASMAC,
Ramanathapuram.

3.Thangapandian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to close the TASMAC Shop No.6835 situated in the 3rd Respondent agricultural 39/1C1 at Soorankottai Village, Idayarvalasai, Ramanathapuram Taluk and District, by considering the petitioner's representation dated 13.11.2017.

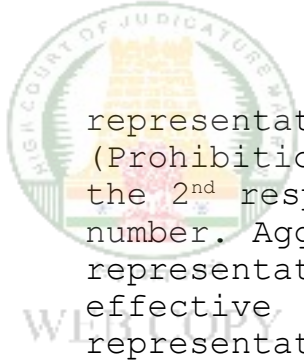
For Petitioner : Mr. D.Rameshkumar
For R1 : Mr. J.Gunaseelan Muthiah
Govt. Advocate
For R2 : Mr. B.Jameel Arasu

O R D E R

This writ petition has been filed, seeking to direct the respondents 1 & 2 to close the TASMAC Shop No.6835, situated in the 3rd Respondent agricultural land in S.No.39/1C1 at Soorankottai Village, Idayarvalasai, Ramanathapuram Taluk and District, by considering the petitioner's representation dated 13.11.2017.

2. Mr. J.Gunaseelan Muthiah, learned Government Advocate takes notice for R1 and Mr.B.Jameel Arasu, learned counsel for R2. Notice to R3 is dispensed with, as no adverse order is gong to be passed in this petition against him. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that pursuant to the order passed by the Hon'ble Supreme Court to close down TASMAC shops situated in the National Highways, the respondents 1 & 2 have proposed to shift the shops to the agricultural land belonging to the 3rd respondent and the said land is adjacent to the agricultural land of the petitioner. Though he along with other villagers made a



representation dated 21.04.2017 to the Assistant Commissioner (Prohibition & Excise), Ramanathapuram, to the shock and surprise, the 2nd respondent opened the TASMAC shop No.6835 in the said survey number. Aggrieved by the same, the petitioner once again submitted a representation dated 13.11.2017 to the respondents 1 & 2 for taking effective steps to close the said shop. Since the said representation has not been considered so far, the petitioner is before this Court with the above prayer.

4. The learned Government Advocate appearing for R1 and the learned Standing Counsel for R2 would submit that if a reasonable time is granted to the respondents 1 & 2, the representation of the petitioner will be considered and suitable order passed.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents, more particularly, the first respondent to consider the representation of the petitioner dated 13.11.2017 and pass suitable orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, R3 and other interested parties, if any.

6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The District Manager,
TASMAC,
Ramanathapuram.

+One cc to The Special Government Pleader, SR.No.91953

+One cc to M/s.B.Jameel Arasu, Advocate, SR.No.92023

+One cc to Mr.D.Rameshkumar, Advocate, SR.No.91737

ar

RL/6C/2P/JC/SAR1/22/12/2017

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