



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.07.2017

CORAM:

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

W.P(MD)No.5558 of 2017
and
W.M.P.[MD].No.4439 of 2017

S.Sakthivel : Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC)
Anna Nagar,
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC), Theni.

4.The Assistant Commissioner,
Prohibition and Excise,
Theni.

5.The Superintendent of Police,
Theni, Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 06.03.2017 for closure and shifting of TASMAC shops, as per the order of the Hon'ble Supreme Court in Civil Appeal Nos.12164 to 12166 of 2016, dated 15.12.2014 and direct the respondents not to shift or open a TASMAC shop in Theni District, without complying with the norms prescribed under the Act such as Building Approval, Building stability Certificate, No Objection Certificate from Fire and Rescue Department and Police Department.

For petitioner

: Mr.S.Prasanth

For R1

: Mr.B.Pugalendhi
Additional Advocate General

For R2 and R3

: Mr.M.Muniasamy
Standing Counsel for TASMAC



O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this writ petition to direct the respondents not to locate the TASMAL shop in the District of Theni without complying with the statutory requirements.

2. There is no question of issuance of mandamus directing the respondents not to locate the shop, unless it is established that there is an attempt to locate the shop in a prohibited area, taking into account the Rules and Regulations. We therefore do not find any reason to issue a mandamus. It is open to the petitioner to file an independent writ petition for appropriate relief taking into account the particular location.

3. The Writ Petition is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd /-

ASSISTANT REGISTRAR (AD-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1. The District Collector,
Theni District, Theni.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAL) Anna Nagar, Madurai.
3. The District Manager,
Tamil Nadu State Marketing Corporation Limited, (TASMAL), Theni.
4. The Assistant Commissioner,
Prohibition and Excise, Theni.
5. The Superintendent of Police, Theni, Theni District.

akv/tsg

MAS/MR-KKR/SAR1:31.07.2017:2P-6C

ORDER MADE IN
W.P. [MD] No. 5558 of 2017
and
W.M.P. [MD] No. 4439 of 2017
20.07.2017