



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.8859 of 2017

and

W.M.P.(MD) No.14343 of 2017

S.Arasappan

... Petitioner

Vs.

1.The District Collector,
Thanjavur.

2.The District Manager,
TASMAC, Thanjavur.

3.K.Saravanan

... Respondents

[3rd respondent is impleaded vide
order dated 11.09.2017]

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from relocating the TASMAC shop and bar situated exactly opposite to the petitioner's hotel in MKM Road, Thanjavur within 500 metres from Highways to any other place.

For Petitioner : Ms.AL.Ganthimathi

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate for R.1
Mr.H.Arumugam for R.2
Mr.S.Palanivelayutham for R.3

O R D E R

This writ petition has been filed, seeking a Writ of Mandamus, forbearing the respondents from re-opening the TASMAC shop and bar at the place opposite to the petitioner's hotel in MKM Road, Thanjavur.

2. The case of the petitioner, in nutshell, is as follows:

2.1. According to the petitioner, he is running a business in the name and style of Hotel Valli and to the exact opposite of his hotel, there was a TASMAC shop and bar, which caused much difficulties and disturbances to the petitioner to run his business. Aggrieved by the same, the petitioner submitted a representation to the first respondent on 11.10.2010 and pursuant to the same, the second respondent enquired and assured the petitioner for smooth running of his business. As the same ended in vain, the petitioner filed W.P(MD)No.2622 of 2017, wherein, by



order dated 16.02.2017, this Court directed the respondents therein to consider and pass orders on the representation of the petitioner.

2.2. In the meanwhile, as per the directions issued by the Hon'ble Apex Court, the bar in question was closed by the authorities and pursuant thereto, now the 3rd respondent is trying to relocate the entrance of the bar alone, so as to open it again. Aggrieved thereby, the petitioner is before this Court.

3. Heard the learned Counsel appearing on either side.

4. When the matter is taken up for hearing, the learned Counsel for the petitioner submitted that subsequent to the filing of this petition, the Hon'ble Apex Court has issued a clarificatory order and it would suffice, if the respondents 1 & 2 are directed to pass appropriate orders, on the basis of the clarificatory order.

5. Considering the facts and circumstances of the case, this Court, without going into the merits of the matter, directs the first respondent / District Collector to consider the claim of the petitioner strictly in terms of the clarificatory order, issued by the Honourable Supreme Court in Arrive Safe Society of Chandigarh v. The Union Territory of Chandigarh and another [Special Leave Petition (Civil) No.10243 of 2017, decided on 11.07.2017] and pass necessary / appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector, Thanjavur.

2.The District Manager, TASMACH, Thanjavur.

+1CC to Mr.AL.Ganthimathi, Advocate, SR.No. 80439

+1CC to Mr.S.Palanivelayutham, Advocate, SR.No.80685

+1CC to Mr.H.Arumugam, Advocate, SR.No.80812

+1CC to the Special Government Pleader SR.No. 80905

W.P(MD)No.8859 of 2017

and

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