

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.4.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.10184 OF 2018

G.Ragavan

...Petitioner

Vs

1. The District Collector, Thiruvallur District, Thiruvallur-602001.
2. The Tamil Nadu State Marketing Corporation Ltd (TASMAC) rep. by its Managing Director, Thalamuthu Natarajan Maligai, Chennai-8.
3. The Tamil Nadu State Marketing Corporation Ltd (TASMAC), rep. by its Senior Regional Manager, L.L.A. Building, Anna Salai, Chennai-2.
4. The Tamil Nadu State Marketing Corporation Ltd (TASMAC) rep. by its District Manager, Thiruvallur East District, Thirumizhsai, Thiruvallur District-602103.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to run the TASMAC shop 8831 and followed by the same to issue license to run the bar attached to the TASMAC Shop 8831 and followed by the same to issue licence to run the bar attached to the TASMAC shop 8831, situated at 1st Street, Annai Velankanni Nagar, Madhavaram High Road, Chennai-60 based upon the petitioner's representation dated 08.1.2018.

For Petitioner : Mr.M.Manimaran

For Respondent-1 : Mr.R.P.Prathapsingh, GA

For Respondents 2 to 4 : Mr.P.Arumugha Rajan

ORDER

Mr.R.P.Prathapsingh, learned Government Advocate accepts notice for the first respondent. Mr.P.Arumugha Rajan, learned Standing Counsel accepts notice for respondents 2 to 4. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to the respondents to open the TASMAC retail vending shop 8831 and consequently issue licence to the petitioner to run the bar attached to shop No.8831 by considering the representation of the petitioner dated 08.1.2018.

3. It is not in dispute that all formalities are completed and the requisite amount for grant of licence has also been paid by the petitioner. However, there were objections raised by the public in the locality and ultimately, earlier, the writ petition filed by one Manoharan in W.P.No.2143 of 2018 was dismissed by the Hon'ble First Bench of this Court by order dated 23.2.2018.

4. The grievance of the petitioner is that in spite of overruling the objections by the Hon'ble First Bench of this Court and though the Authorities also have also consistently informed that there was no violation of the distance rule, till date, the shop in question is not being opened. Hence, the petitioner cannot enjoy the fruits of the licence, which has been granted to him.

5. The learned Standing Counsel appearing for respondents 2 to 4 submits that the shop in question is situated within 480 meters from a highway and on account of an undertaking given before the Hon'ble First Bench of this Court, the respondents are unable to open the shop. Hence, it is further submitted that subject to the orders that may be passed by the Hon'ble First Bench of this Court in a batch of cases, which are pending, the respondents will take immediate action in the matter.

6. In the light of the stand taken by the respondent Corporation, this Court is inclined to disposed of the writ petition.

7. Accordingly, the writ petition is disposed of with a direction to the respondents to take immediate action pursuant to the orders that may be passed by the Hon'ble First Bench of this Court in a batch of cases, which are now pending. If the Hon'ble First Bench issues appropriate positive directions in favour of the licensee and if the shop in question does not violate the distance rule, then necessary steps need be taken to

open the shop so as to enable the petitioner to enjoy the fruits of the licence. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvallur District, Thiruvallur-602001.
2. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Thalamuthu Natarajan Maligai, Chennai-8.
3. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
Ltd., (TASMAC), L.L.A. Building, Anna Salai, Chennai-2.
4. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Thiruvallur East District, Thirumizhsai,
Thiruvallur District-602103.

+1cc to Mr.P.Arumugha Rajan, Advocate, S.R.No.30200

+1cc to Mr.M.Manimaran, Advocate, S.R.No.30281

+1cc to the Government Pleader, S.R.No.30702

WP.No.10184 of 2018

SSI(CO)
CS/18/05/18

सत्यमेव जयते

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