

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2018
Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.10575 of 2018
and
W.M.P.No.12527 of 2018

S. Kumar

...Petitioner

Vs.

1. The District Manager,
TASMAC - Chennai Central
No.B4, Ambattur Industrial Estate,
Chennai - 600 058.
2. The Senior Regional Manager,
TASMAC Chennai Division,
Anna Salai, Chennai - 600 002.
3. The Managing Director- TASMAC,
Thalamuthu Nadarajar Maligai,
Egmore, Chennai - 600 008.
4. The District Collector,
Chennai District, Chennai - 600 001.Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the first respondent, pertaining to the impugned order in Na.Ka.No.A3/264/449/2018, dated 18.04.2018, and to quash the same and to direct the fourth respondent not to shift the shop No.449 now functioning at 137/1, Nelson Manickam Road, Aminjikarai, Chennai - 600 029, to anywhere else.

For Petitioner : Mr.S.Balasubramanian
For Respondents 1 to 3 : Mr.K.Sathish Kumar
For Respondent-4 : Mr. R.P.Prathap Singh
Government Advocate

O R D E R

Heard Mr.S.Balasubramanian, the learned counsel appearing for the petitioner, Mr.K.Sathish Kumar, the learned counsel accepting notice on behalf of the respondents 1 to 3 and Mr. R.P.Prathap Singh, the learned Government Advocate, accepting notice on behalf of the fourth respondent. With consent on either side, the Writ Petition is taken up for disposal.

2. The petitioner has filed this Writ Petition, challenging the notice issued to him, stating that the TASMAL retail vending shop and the bar attached to it is to be shifted.

3. It has to be pointed out that, the petitioner, who is the licensee to sell eatables, collect empty bottles in the shop, has no vested right to state that the shop should be located in a particular location. This Court had an occasion to consider the Writ Petition filed by the residents of the area, requesting the shop to be shifted on the ground that, it is nuisance to the general public and violates the distance rules, apart from other objections. The said Writ Petition No.18285 of 2017 was disposed of, by this Court, by order, dated 21.07.2017, directing the District Collector to examine the matter objectively. Pursuant to the said direction, an order was passed by the District Collector, and the shop has now been shifted. The petitioner has no right to question the impugned notice, proposing shifting.

4. In the light of the above, the Writ Petition, being devoid of merits, is dismissed. The respondent/TASMAL is directed to consider the petitioner's case and in the new location, the petitioner shall be granted licence to sell eatables, collect empty bottles in the bar attached to the TASMAL retail vending liquor shop for the remaining period of licence. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

sd

To

1. The District Manager,
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No.B4, Ambattur Industrial Estate,
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Egmore, Chennai - 600 008.
4. The District Collector,
Chennai District, Chennai - 600 001.

+1cc to Mr.K.Sathishkumar, Advocate, sr.no.30667

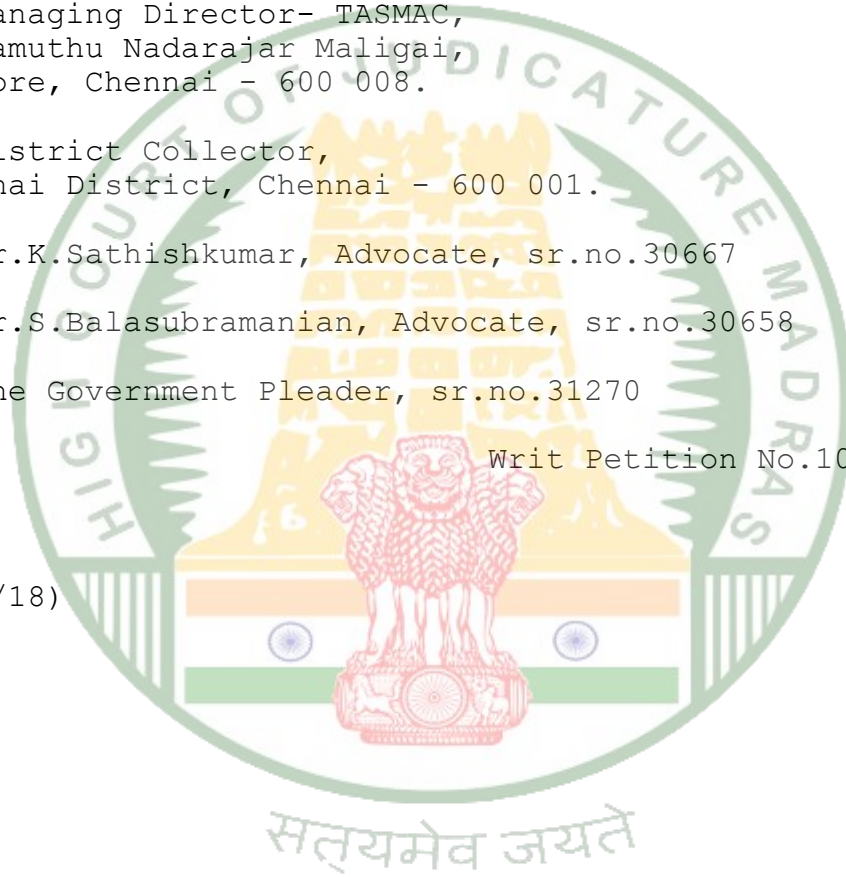
+1cc to Mr.S.Balasubramanian, Advocate, sr.no.30658

+1cc to the Government Pleader, sr.no.31270

Writ Petition No.10575 of 2018

NA (CO)

RRK (23/05/18)



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