

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.21518 of 2018

and

WMP.No.25270 of 2018

T.Arulmuthu

... Petitioner

vs.

1.The District Manager
TASMAC-East
Thiruvallore District-East
Thiruvallore District
No.1, Bangalore Highway Road,
Sembarambakkam-602 103.

2.The Tamil Nadu State Marketing Corp. Ltd., (TASMAC)
Rep. by its Managing Director
Thalamuthu Natarajan Building
Gandhi Irvin Road,
Egmore, Chennai-600 008.

3.The Senior Regional Manager
Tamil Nadu State Marketing Corp. Ltd., (TASMAC)
No.735, LLA Building, 4th Floor,
Annasalai, Chennai-600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents, their men, people and agents or subordinates or any other persons claiming through them from in any manner locating or permitting any TASMAC shop No.308, Poonamallee High Road, Erikkarai, Maduravoyal, Chennai-600 095 with or without bar considering the representation dated 13.08.2018.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.P.Arumugarajan
standing counsel for R1 to R3
Mr.N.Inbanathan,
Additional Government Pleader
for R4.

O R D E R

Mr.P.Arumugarajan, learned standing counsel takes notice for the respondents 1 to 3 and Mr.N.Inbanathan, learned Additional Government Pleader takes notice for the 4th respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed for issuance of mandamus, forbearing the respondents from locating or permitting any TASMACHOP shop at No.308, Poonamallee High Road, Erikkarai, Maduravoyal, Chennai-600 095, without considering the petitioner's representation dated 13.08.2018.

3. Heard Mr.S.Balasubramanian, learned counsel for the petitioner, Mr.P.Arumugarajan, learned standing counsel for the respondents 1 to 3 and Mr.N.Inbanathan, learned Additional Government Pleader for the 4th respondent.

4. The grievance of the petitioner before this Court is that the respondents 1 to 3 are going to locate a TASMACHOP shop at the subject matter premises in violation of the statutory rules. Therefore, it is contended that the petitioner has made a representation on 13.08.2018, opposing the said location of the shop. It is stated that the said representation was received by the respondents on 16.08.2018.

5. However, the learned standing counsel for the respondents 1 to 3, based on instructions, submitted that the shop has already been opened on 19.08.2018 itself, apart from the fact that there is no statutory violation in locating the said shop.

6. This Court is not expressing any view on the respective contention of the parties with regard to the objectionability of the location of the said shop, since the present writ petition is filed only for mandamus, to prohibit the respondents from establishing the said shop. Since it is stated that the shop has already been located in the said premises, nothing survives in this writ petition to be adjudicated upon further. Accordingly, this writ petition is disposed of as infructuous, by granting liberty to the petitioner to work out his remedy as against the said location in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

mk

To

- 1.The District Manager
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Thiruvallore District-East
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 - 3.The Senior Regional Manager
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No.735, LLA Building, 4th Floor,
Annasalai, Chennai-600 002.
- +1cc to Mr.S. Balasubramanian, Advocate SR.No.58017
+1cc to Mr.P. Arumugarajan, Advocate SR.No.57475
+1cc to Government Pleader SR.No.57900

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GM(03/09/2018)

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