

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018
CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO. 11265 OF 2018
AND
W.M.P.NO.13166 OF 2018

V.Ramesh

..Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Manager,
Tamilnadu State Marketing,
Corporation Ltd., (TASMAC),
Krishnapuram Road,
Thummankurichi Village,
Namakkal District.

..Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to remove the newly opened TASMAC shop, which is located just opposite to the petitioner's house, on the East of North-South Komarapalayam Road at Nattagounden pudur, near Pudhan Santhai, Komarapalayam Taluk, Namakkal District, in order to protect petitioner's right to life and ensure safety under Article 21 of the Constitution by considering his representation dated 04.04.2018.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.Sathish Kumar

O R D E R

Heard Mr.N.Manokaran, the learned counsel appearing for the petitioner and Mr.Sathish Kumar, the learned counsel, accepting notice on behalf of the respondents. With consent on either side, the Writ Petition is taken up for disposal.

2. In this Writ Petition, the petitioner seeks for a direction upon the respondents to remove the newly opened

TASMAC retail vending liquor shop, which is located just opposite to the petitioner's house, on the East of North-South Komarapalayam Road at Nattagounden pudur, near Pudhan Santhai, Komarapalayam Taluk, Namakkal District, by considering his representation dated 04.04.2018.

3. The learned counsel appearing for the petitioner has placed before this Court photographs to show that the shop is situated in front of the petitioner's house. The learned counsel for the petitioner placed reliance on the decisions of this Court, in V. Ravichandran Vs. District Collector, Tirunelveli, reported in [(2017) 2 MLJ 61 DB].

4. Since the Writ Petition is disposed of at the admission stage, this Court is not inclined to go into the merits of the matter. Accordingly, there will be a direction to first respondent to consider the petitioner's representation, dated 04.04.2018, and direct one of the senior Officers to conduct a surprise inspection of the relevant area and file a report and based on the report, the first respondent shall take a pragmatic decision in the matter in accordance with law. The above direction shall be complied by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

1.The District Collector,
Namakkal District,
Namakkal.

+1cc to Mr.N.Manokaran, Advocate sr.no.32228
+1cc to Mr.K.Sathish Kumar, Advocate sr.no.32155
+1cc to Government Pleader in sr.no.32758

Writ Petition No. 11265 of 2018

SJ(CO)
NR 07/06/2018