

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.01.2018

CORAM

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

W.P.No.34290 of 2017

K.Vijayalakshmi

...Petitioner

Vs.

1.The Collector  
Kancheepuram,  
Thaiyar Kullam, Kancheepuram,  
Tamil Nadu 631 501.

2.District Manager,  
IMFS Depot, TASMAL Ltd.,  
Plot No.14, 14A, 15 to 18,  
SIDCO Industrial Estate,  
Sevilimedu Village,  
Kancheepuram.

3.The Chairman  
Tamil Nadu State Marketing Corporation Limited  
CMDA Tower-II, IV Floor,  
Gandhi Irwin Bridge Road,  
Egmore, Chennai 600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to shift the TASMAL shop No.4034 situated at Chengalpet Road (Tollgate) Kancheepuram District to another place in the light of the petitioner's representation dated 01.09.2017 and the subsequent reminder representations dated 04.09.2017, 11.09.2017 and 18.09.2017 to the first respondent within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.K.M.Balaji

For Respondents : Mr.R.Rajeswaran for R1 and R3  
Special Government Pleader

: Mr.P.Arumugarajan for R2  
Standing Counsel

## O R D E R

Heard Mr.K.M.Balaji, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader for the respondents 1 and 3 and Mr.P.Arumugarajan, learned Standing Counsel for the 2<sup>nd</sup> respondent. With the consent on either side, the writ petition is taken up for disposal.

2.The petitioner claiming himself to be a resident of K.S.M.Nagar, Tollgate, Kancheepuram 631 501, has filed this writ petition to issue appropriate directions to shift the TASMAC retail vending shop bearing No.4034 to another place by considering the petitioner's representations dated 01.09.2017, 04.09.2017, 11.09.2017 and 18.09.2017. In the affidavit filed in support of the writ petition, the petitioner would state that the shop in question was closed by the respondent TASMAC on 01.04.2017 and subsequently it has been re-opened on 04.09.2017 causing nuisance to the public of the area, especially the school going children. The petitioner would state that famous Arulmigu Varadharaja Perumal Temple is situated in 1000 meters from the said shop and there are two schools within the distance of 800 meters and the area is a residential area and if the shop in question is permitted to run in the said location, it would be detriment to the interest of the public.

3.From the photographs produced, it is not very clear as to where the shop is located. Therefore, the learned Standing counsel for the respondent TASMAC submits that in the absence of any infringement of distance rule, the shop should be permitted to be located in the same venue. However, I find that the people in the locality were objecting to the location of the shop. The photographs produced would show that there is a Nursery Primary School and Municipal Primary School. As observed earlier, it is not clear as to what is the exact distance between the School and the shop. In any event, the representation given by the petitioner along with the other residents is pending before the first respondent which has been acknowledged by the office of the first respondent on 04.09.2017. Therefore, it would be appropriate for the first respondent to consider the petitioner representation by taking note of the grievance of the public though there may not be violation of the distance Rule.

4.In the light of the above, the writ petition is disposed of by directing the first respondent to consider the petitioner representation dated 01.09.2017 received by the office of the first respondent on 04.09.2017 as petition No.788609 and the first respondent is directed to depute one of his officer's to conduct an inspection of the area preferably a surprise inspection and based on the inspection report and taking note of

the grievances of the public, the first respondent shall take a pragmatic decision in the matter as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna/cse

To

1.The Collector

Kancheepuram,  
Thaiyar Kullam, Kancheepuram,  
Tamil Nadu 631 501.

2.The Chairman

Tamil Nadu State Marketing Corporation Limited  
CMDA Tower-II, IV Floor,  
Gandhi Irwin Bridge Road,  
Egmore, Chennai 600 008.

+1cc to Mr.P.Arumugarajan, Advocate, S.R.No.701

+1cc to Mr.K.M.Balaji, Advocate, S.R.No.642

W.P.No.34290 of 2017

GJ(CO)

RRK(30/01/2018)

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