

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.22408 of 2018
and
WMP.No.26253 of 2018

S.K.Senthilkumar

... Petitioner

vs.

1. The District Collector
Erode District Erode.
2. The Regional Manager
Tamil Nadu State Marketing Corporation
(TASMAC) Coimbatore.
3. The District Revenue Officer
Erode District,
Erode.
4. The District Manager
Tamil Nadu State Marketing Corporation
(TASMAC), IMFS Dept, TASMAC Ltd.,
TASCO Building
Suriyampalayam, Vasavi College Post,
Erode.
5. N.Velusamy
6. S.Vasanthakumar

..Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 23.08.2018.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.N.Inbanathan
Additional Government Pleader
for R1 & R3
Mr.K.Sathish Kumar
standing counsel for R2 & R4

O R D E R

Mr.N.Inbanathan, learned Additional Government Pleader takes notice for R1 & R3. Mr.K.Satish Kumar, learned standing counsel takes notice for R2 & R4. Since this writ petition is being disposed of, without affecting the interest of the respondents 5 & 6 in any manner, notice to those respondents is dispensed with. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for mandamus directing the respondents 1 to 4 to consider his representation dated 23.08.2018, wherein and whereby, he opposed to the proposed location of the TASMACHOP shop at S.No.65/1A, Punjai Kilambadi Village, Kodumudi Taluk, Erode District. It is the case of the petitioner that such location would affect the interest of the public and the same would also violate the Distance Rules.

3. This Court, at this stage, is not expressing any view on the merits of the claim, as it is for the concerned authority, more particularly, the first respondent to consider and decide. The fifth and sixth respondents are stated to be the owners of the property, which was let out for locating the said shop.

4. The learned Additional Government Pleader for the respondents 1 & 3 and the learned standing counsel for the respondents 2 & 4 submitted that the objections raised by the petitioner will be considered and appropriate orders will be passed on merits and in accordance with law.

5. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the objections raised by the petitioner, only with a direction to the first respondent to consider the objections raised by the petitioner dated 23.08.2018 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and also to the respondents 5 & 6, if so needed. Such exercise shall be done by the first respondent, within a period of four weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent, the status quo as on today shall be maintained by all the parties. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector
Erode District, Erode.

2. The District Revenue Officer
Erode District, Erode.

+1cc to Mr.K. Sathishkumar, Advocate SR.No.59580

+1cc to Mr.M. Guruprasad, Advocate SR.No.60212

+1cc to Government Pleader SR.No.60124

W.P.No.22408 of 2018

GMV (14/09/2018)



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