

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.22831 of 2018
and

W.M.P.Nos.26682 to 26684 of 2018

S.Dhanasekharen

...Petitioner

Vs

1.The Managing Director,
TASMAC Limited, CMDA Tower-II,
IV Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The District Collector,
Office of the Collectorate,
Kancheepuram District.

3.The District Manager,
TASMAC Ltd,
Kancheepuram North District,
IMFS Depot, Plot Nos.14, 14A, 15 to 18,
SIDCO Industrial Estate, Sevilimedu Village,
Kancheepuram District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF CERTIORARI, to call for the records of the 3rd Respondent's Impugned proceedings in Na.Ka.No.4367/A6/2018 dated 05.08.2018 and quash the said Impugned proceedings.

For Petitioner : Mr.S.Sathish Kumar

For Respondents: Mr.P.Arumugarajan,
Standing counsel, for R1 & R3
Mr.N.Inbanathan,
Additional Government Pleader (Tax),
for R2

O R D E R

Mr.P.Arumugarajan, learned Standing counsel takes notice for the first and third respondents and Mr.N.Inbanathan, learned Additional Government Pleader takes notice for second respondent. By consent of parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the proceedings of the third respondent dated 05.08.2018, wherein and whereby, a TASMACH Shop bearing No.4367 was directed to be opened at Door No.34, Andal Kuppam Main Road, Kundrathur Village situated at Survey No.1380/1B of Kundrathur Village.

3. The grievance of the petitioner is that by locating the said shop in the said premises, the respondents are going to encroach the petitioner's property to have access to the said shop, since there is no other way to have access to the said shop. According to the petitioner, the respondents have not obtained any consent or permission. Ventilating such grievance, the petitioner has already made a representation on 13.08.2018. It is stated that the respondents have not passed any order in the said representation so far.

4. This Court at this stage is not expressing any view on the merits of the claim made by the petitioner, as it is for the third respondent to consider such objection and pass appropriate orders on the said representation, after giving due opportunity of hearing to the petitioner as well as the owner of the property, where the said shop is either located or proposed to be located.

5. Therefore, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only with a direction to the third respondent to consider the said representation of the petitioner dated 13.08.2018 and pass orders on the same on merits and in accordance with law, after hearing the petitioner, the owner of the land and other interested parties, if any. Such exercise shall be done by the third respondent within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

krk / mk

To

1.The Managing Director,
TASMAC Limited, CMDA Tower-II,
IV Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2.The District Collector,
Office of the Collectorate,
Kancheepuram District.

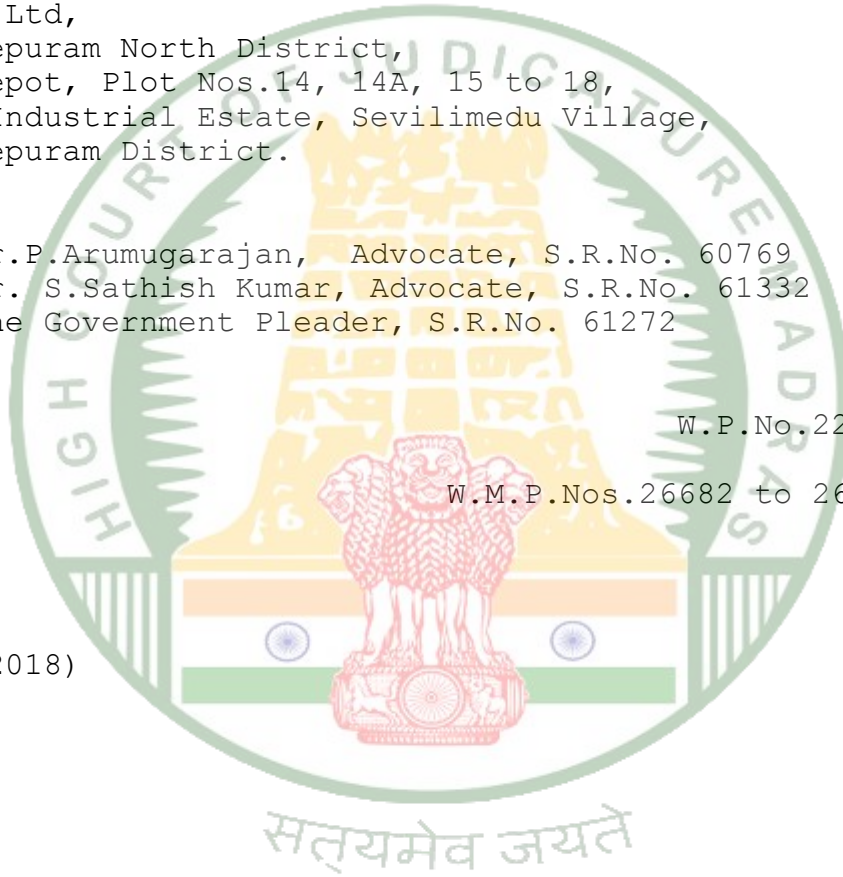
3.The District Manager,
TASMAC Ltd,
Kancheepuram North District,
IMFS Depot, Plot Nos.14, 14A, 15 to 18,
SIDCO Industrial Estate, Sevilimedu Village,
Kancheepuram District.

+1cc to Mr.P.Arumugarajan, Advocate, S.R.No. 60769
+2cc to Mr. S.Sathish Kumar, Advocate, S.R.No. 61332
+1cc to the Government Pleader, S.R.No. 61272

W.P.No.22831 of 2018

&
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BR(CO)
GN(03/10/2018)



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