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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17215 of 2018

and

W.M.P.No.20489 of 2018

N.P.Velmurugan

..Petitioner

vs

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Attur, Salem.

3.The Senior Regional Officer,
Tamil Nadu State Marketing Corporation Limited,
TASMAC Limited,
Brindhavanam Road,
Fairlands, Salem.

4.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC Ltd), TASMAC Limited,
Santhiyur, Attaiyampatti Post,
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 07.06.2018 and 08.06.2018 and to close the TASMAC shop No.7145 and TASMAC Bar situated at Narasingapuram Village, J.J.Nagar, Attur Taluk, Salem District.

For Petitioner: Mr.S.Doraisamy

For R1 & R2 : M/s.A.Sri Jayanthi
Special Government Pleader

For R3 & R4 : Mr.K.Sathish kumar



O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the representations submitted by the writ petitioner on 07.06.2018 and on 08.06.2018 and to close the TASMAC shop bearing No.7145 and TASMAC Bar situated at Narasingapuram Village, J.J.Nagar, Attur Taluk, Salem District.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that, the TASMAC shop bearing No.7145 and TASMAC Bar located at Narasingapuram Village, J.J.Nagar, Attur Taluk, Salem District, is located in a residential area and also very near to the Government School, Temple called "Narasimman Kovil" and Ladies Public Toilet. The said shop causes lot of nuisances to the residents of that locality and further it is situated near by Educational Institutions and the Temple. Therefore, the respondents are bound to remove the TASMAC shop from that place.

3.The learned counsel for the petitioner urged this Court by stating that the Hon'ble Apex Court as well as this Court issued number of Judgments deprecating the running of the TASMAC shop near the Educational Institutions. However, the respondents have not followed the same and allowed the said TASMAC shop to run near residential area. In this regard, the writ petitioner had submitted representations to the respondents on 07.06.2018 and on 08.06.2018. However, the same has not been considered.

4.This Court is of an opinion that the allegations raised by the writ petitioner has to be verified by the Authorities competent by conducting a field inspection. In this regard, the District Collector has to make an assessment in respect of the allegations set out in the representation and to take a decision and pass appropriate orders.

6.Accordingly, the first respondent is directed to consider the representations submitted by the writ petitioner on 07.06.2018 and on 08.06.2018, and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose a copy of the representation along with the copy of this Order.



7. Thus, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Salem District, Salem.

2. The Revenue Divisional Officer,
Attur, Salem.

+lcc to Mr.S.Doraisamy, Advocate sr.no.44989
+lcc to Mr.K.Sathishkumar, Advocate sr.no.45034
+lcc to Government Pleader sr.no.45336

W.P.No.17215 of 2018

nr 20/07/2018