

In the High Court of Judicature at Madras

Dated : 01.8.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.18135 of 2018 & WMP.No.21430 of 2018

P.Ramasamy

...Petitioner

Vs

1.The District Collector, Tiruppur
District, Tiruppur.

2.The Regional Manager, TamilNadu
State Marketing Corporation Ltd.,
(TASMAC), Coimbatore

3.The District Revenue Officer/
Senior Regional Manager, TASMAC,
No.305-C, Vilangurichi Road,
Peelamedu, Old Chintamani
Co-op.Godown, Coimbatore-4.

4.The District Manager, Tamil Nadu
State Marketing Corporation Ltd.,
(TASMAC), I.M.F.S.Depot, Tirupur PO,
Tirupur District

5.Mr.Subburaya Gounder

6.Mr.Sakthivel

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondents to shift shop No. 3453 in survey No.1360/2 in Ward
No.10, Mulanur village, Mulanur Panchayat, Dharapuram Taluk,
Tiruppur District to some other place where it will not cause
any disturbance to anyone.

For Petitioner

:Mr.K.V.Sundararajan

For Respondent-1

:Mr.R.P.Prathap Singh, GA

For Respondents 2 to 4

:Mr.K.Sathiskumar

For Respondents 5 & 6

:Mr.M.Guruprasad

ORDER

Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner and the fifth respondent are brothers and are sons of one Mr. Palanisamy Gounder. The sixth respondent is the son of the fifth respondent.

3. The petitioner has approached this Court by way of this writ petition to direct the official respondents to shift TASMAC shop No.3453 from the existing place, which is owned by respondents 5 and 6. According to the petitioner, the shop in question violates the distance rule and therefore, it is a nuisance apart from the fact that the petitioner is put to prejudice because it is adjacent to the petitioner's agricultural lands.

4. The learned Standing Counsel appearing for the respondent - Corporation submits that the District Collector considered all the issues and found that the location of the shop in question is unobjectionable and accordingly granted permission. He has also produced the written instructions given by the fourth respondent vide letter dated 30.7.2018 stating that the shop in question does not infringe the distance rule.

5. As pointed out by the learned counsel for the petitioner, in response to several representations given, the petitioner was informed by the third respondent vide communication dated 05.7.2018 addressed to the fourth respondent that the petitioner should be intimated about the outcome of the representation submitted to the District Collector.

6. The learned Standing Counsel for the respondent Corporation submits that the District Collector took a decision, passed orders and only based on that, the shop in question has been opened.

7. Since already the District Collector has taken a decision in the matter, the petitioner is entitled to know the basis of such a decision and if he is aggrieved by that, it is open to him to work out his remedies in accordance with law.

8. In the light of the above, the writ petition stands disposed of by directing the fourth respondent to communicate the decision of the District Collector to the petitioner by registered post with acknowledgment due within a period of one

week from the date of receipt of a copy of this order along with the proceedings of the respondent - Corporation. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

RS

To

- 1.The District Collector,
Tiruppur District, Tiruppur.
- 2.The Regional Manager,
TamilNadu State Marketing Corporation Ltd.,
(TASMAC), Coimbatore
- 3.The District Revenue Officer/
Senior Regional Manager,
TASMAC, No.305-C,
Vilangurichi Road, Peelamedu,
Old Chintamani Co-op.Godown,
Coimbatore-4.
- 4.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC), I.M.F.S.Depot,
Tirupur PO, Tirupur District

+1cc to Mr.K.V.Sundararajan, Advocate SR.No.53070
+1cc to Mr.M.Guruprasad, Advocate SR.No.54150
+1cc to Mr.K.Sathish kumar, Advocate SR.No. 52297
+1cc to Government Pleader SR.No.52891

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VGI (CO)
GN(21/08/2018)