

wIn the High Court of Judicature at Madras

Dated : 03.8.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.19851 of 2018 & WMP.No.23300 of 2018

R.Nandakumar

...Petitioner

Vs

- 1.The District Manager (TASMAC),
East Thiruvallore District-East
Thiruvallore District, No.1,
Bangalore Highway Road,
Sembarambakkam-602103.
- 2.TamilNadu state Marketing Corporation
Ltd.(TASMAC), Rep by its Managing
Director, Thalamuthu Natarajan Building
Gandhi Irvin Road, Egmore, Chennai-8.
- 3.The Senior Regional Manager, TamilNadu
State Marketing Corpn.Ltd (TASMAC),
No.735, LLA Building, 4th Floor,
Anna Salai, Chennai-2.
- 4.The District Collector, Thiruvallore
District, Thiruvallore.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus forbearing the
respondents, their men, people and agents or subordinates or
any other persons claiming through them from in any manner
locating or permitting any TASMAC shop or bar or both at No.10,
Brindavan Colony, Vanagaram Main Road, Athipattu, Chennai-58 by
considering the representation dated 11.7.2018.

For Petitioner	:	Mr.S.Balasubramanian
For Respondents 1 to 3	:	Mr.P.Arumugha Rajan
For Respondent-4	:	Mr.R.P.Prathap Singh, GA

ORDER

Mr.P.Arumugha Rajan, learned Standing Counsel accepts notice
for respondents 1 to 3. Mr.R.P.Prathap Singh, learned Government
Advocate accepts notice for the fourth respondent. Heard both.
By consent, the writ petition itself is taken up for final
disposal.

2. The petitioner, who is claiming to be a resident of Brindavan Colony, Vanagaram Main Road, Athipattu, Chennai-58, seeks a direction to the respondents to consider his representation dated 11.7.2018 and not to permit any TASMAC shop or bar at No.10, Brindavan Colony, Vanagaram Main Road, Athipattu, Chennai-58.

3. This Court has perused the said representation dated 11.7.2018 given by the petitioner and finds that it is vague and that there is no specific averment made in the said representation as regards infringement of the statutory rule. Therefore, based on such representation, this Court cannot direct the respondents to take any action. In any event, it is the fourth respondent, who is the Competent Authority, to grant permission for location of a TASMAC retail vending shop.

4. Accordingly, the writ petition is disposed of by directing the petitioner to submit a fresh representation to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such a representation, the fourth respondent shall direct one of his officers to conduct a surprise inspection of the area and regarding the location and receiving a report, pass a speaking order on merits and in accordance with law within three weeks therefrom. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector, Thiruvallore District, Thiruvallore.

+2cc to Mr.S.Balasubramanian, Advocate sr.no.53317

+1cc to Mr.P.Arumugha Rajan, Advocate sr.no.53398, 53046

WP.No.19851 of 2018&
WMP.No.23300 of 2018

mr(co)
nr 30/08/2018