

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2018

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE Dr.JUSTICE ANITA SUMANTH

W.P.No.18421 of 2017

Sai Baba Avenue Owners Welfare Association,
rep. by its President,
No.95, 96, Kathivakkam High Road,
Korukkupet, New Jeeva Nagar (Opp.Bridge)
Chennai 600 021.

Petitioner

Versus

- 1 District Collector
No.62, Rajaji Salai, Chennai 600 001.
- 2 Tamilnadu State Marketing Corporation
Limited (TASMAC)
rep. by its Managing Director,
No.8 CMDA Tower 4th Floor
Gandhi Irwin Bridge Road,
Egmore, Chennai 600 008.
3. The District Manager
Tamilnadu State Marketing Corporation
Limited (TASMAC)
TASCO Unit, B4 Flats,
Industrial Estate,
Ambattur Industrial Estate,
Chennai 600 058.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to dispose the representations dated 19.6.2017 and 20.6.2017 and consequently direct the 2nd and 3rd respondents to order for closure of TASMAC shop No.60 and Shop No.79.

For petitioner : Mr.Kaushik N.Sharma

For R1 : Mr.M.Karthikeyan, AGP
For R2 & R3 : Mr.P.Arumuga Rajan for
Mr.B.Nedunchezian

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

Petitioner, in this PIL writ petition, has raised an objection about the location of shop Nos.60 and 79, arraying the District Collector concerned and the Managing Director and District Manager of Tamilnadu State Marketing Corporation Limited (TASMAC) as respondents.

2. The petitioner, obviously, has not chosen to approach the concerned authority of the Excise Department, who can look into such objections and decide the application for grant/renewal of licence to the licensee.

3. In view of the aforesaid alternative remedy available to the petitioner, which he has not exhausted, we are not inclined to entertain the writ petition exercising the extra-ordinary jurisdiction under Article 226 of the Constitution of India. We, therefore, direct the petitioner to go before the concerned authority of the Excise Department of the State.

4. With the above observation, the writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

1 District Collector
No.62, Rajaji Salai, Chennai 600 001.

2 The Managing Director,
Tamilnadu State Marketing Corporation
Limited (TASMAC)
No.8 CMDA Tower 4th Floor
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Chennai 600 058.

+1cc to Mr.Kaushik N Sharma, Advocate, S.R.No.82744

+1cc to Mr.P.Arumugarajan, Advocate, S.R.No.82513

W.P.No.18421 of 2017

RK(CO)
SSM(07/01/2019)