

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.28335 of 2018
and
W.M.P.No.33042 of 2018

S.Muthuswami

... Petitioner

vs.

1. The District Collector,
Office of the District Collector Coimbatore,
Coimbatore District,
Tamilnadu.
2. The Senior Regional Manager,
Tamilnadu State Marketing Corporation Ltd, (TASMAC),
Coimbatore Division,
Coimbatore, Tamilnadu.
3. The District Manager,
Tamilnadu State Marketing Corporation Ltd, (TASMAC),
Coimbatore North Division,
Coimbatore,
Tamilnadu.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent 1 to 3 from closing or relocating the Tasmac shop No.1584, and its attached Bar at S.F No.383/1, Sennimalai Aandavar Nagar, Thirumalai Naiyakkan Palayam Telugu Palayam, P.N Pudur Post, Kovai North Taluk, Coimbatore District till the petitioner's license period is over on 28.02.2019 without notice and affording an opportunity of hearing to the petitioner.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.N.Inbanathan
Additional Government Pleader for R1
Mr.K.Sathish Kumar
Standing Counsel for R2 & 3

O R D E R

The petitioner seeks for mandamus forbearing the respondent 1 to 3 from closing or relocating the Tasmac shop No.1584 and its attached Bar at S.F No.383/1, Sennimalai Aandavar Nagar, Thirumalai Naiyakkan Palayam Telugu Palayam, P.N Pudur Post, Kovai North Taluk, Coimbatore District, till the petitioner's license period is over on 28.02.2019 without notice and affording an opportunity of hearing to the petitioner.

2. After notice, the matter is taken up for further hearing today.

3. It is submitted by the learned counsel appearing for the respondents that the prayer sought for in this writ petition has become infructuous, since the subject matter shop is already closed in pursuant to an order passed on 03.10.2018 by the third respondent due to the objection received from the public.

4. The learned counsel appearing for the petitioner submitted that he was not issued with any order before passing the said closure order.

5. I do not think that the learned counsel for the petitioner is right in making such contention when admittedly the petitioner was running only a bar attached with the subject matter TASMAC shop. When the TASMAC has chosen to close the shop itself and passed an order to that effect, the petitioner cannot have any better say to retain the shop in the said premises itself. Therefore, I find that the prayer sought for in this Writ Petition has become infructuous. However, it is open to the petitioner to make for refund, claim if any, before the respondents, in respect of any deposits made by him in the manner known to law. Accordingly, the Writ Petition is dismissed with the above observation. Consequently, the connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

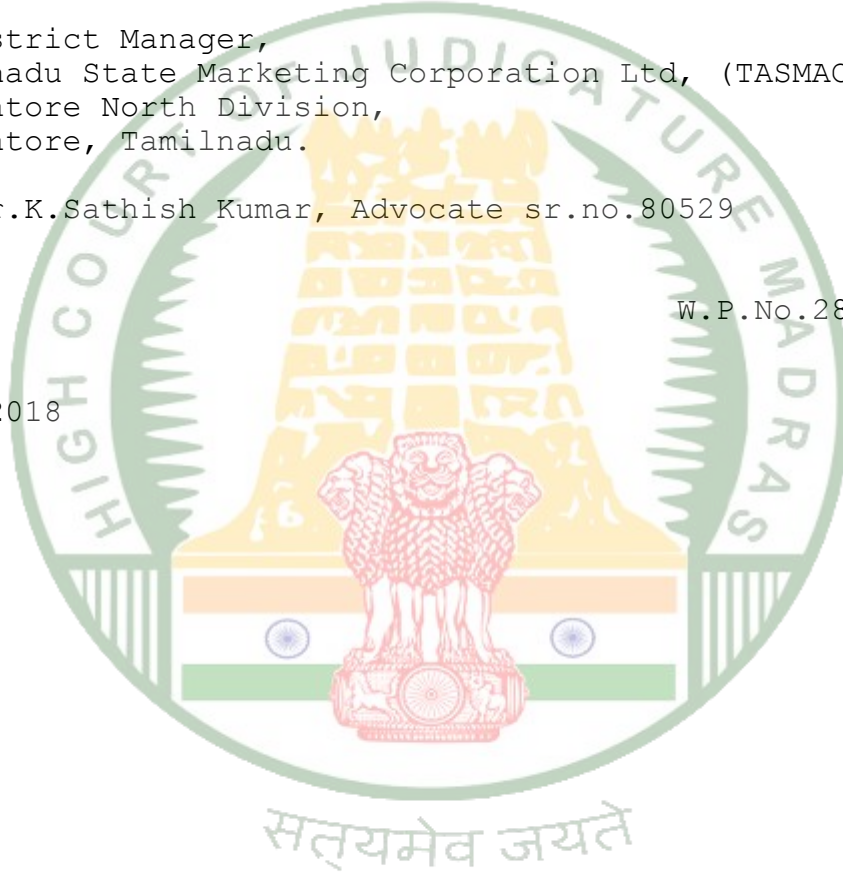
To

1. The District Collector,
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Coimbatore, Tamilnadu.
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Tamilnadu State Marketing Corporation Ltd, (TASMAC),
Coimbatore North Division,
Coimbatore, Tamilnadu.

+1cc to Mr.K.Sathish Kumar, Advocate sr.no.80529

W.P.No.28335 of 2018

mp(co)
nr 18/12/2018



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