

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.28261 of 2018

J.Augustin Raj

... Petitioner

vs.

The Tamil Nadu State Marketing Corporation
Limited (TASMAC)
rep. by its District Manager,
Kancheepuram (North) District,
Thirumazhisai Unit,
No.1, Bangalore Highway Road,
Chembarambakkam,
Thiruvallur District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to forthwith implement the order of the District Collector dated 15.09.2018 in Na.Ka.17385/2018/VI and the consequential order of the respondent dated 18.09.2018 in Na.Ka.No.4070/A6/2018 to open the TASMAC Shop No.4070 in the Petitioner Premises bearing Door No.48 in Survey No.124/2, Mudichur Road, West Tambaram, Chennai - 600 045.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.P.Arumugarajan,
Standing Counsel

O R D E R

The petitioner seeks for a Mandamus directing the respondent to forthwith implement the order of the District Collector dated 15.09.2018 in Na.Ka.17385/2018/VI and the consequential order of the respondent dated 18.09.2018 in Na.Ka.No.4070/A6/2018 to open the TASMAC Shop No.4070 in the Petitioner Premises bearing Door No.48 in Survey No.124/2, Mudichur Road, West Tambaram, Chennai - 600 045.

2. Heard both sides.

3. The petitioner is a tenant in respect of the subject matter premises. It is stated that he took the Shop on lease for running a Bar to be attached with the TASMAC Wine Shop to be located in the said premises by the TASMAC. The grievance of the petitioner is that even though the District Collector has passed an order on 15.09.2018 followed by the order of the respondent dated 18.09.2018 for locating the said Shop in the subject matter premises, so far no order is passed.

4. On the other hand, a counter affidavit is filed by the respondent indicating that an enquiry is going on with regard to the location of the Shop since the objections are received from Mullai Nagar Viruvu Makkal Nala Sangam, West Tambaram and Lakshmipuram Virivu Narpani Mandaram, West Tambaram, against opening the TASMAC Shop in the said premises. Therefore, it is contended by the learned counsel for the respondent that only after completing the enquiry, appropriate orders will be passed as to whether to open the shop or not in the said premises.

5. Considering the above stated facts and circumstances, the respondent herein is directed to pass appropriate orders after conducting the enquiry as to whether to open the said shop in the subject matter premises or not. Such order shall be passed by the respondent within a period of four weeks from the date of receipt of a copy of the order. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

The District Manager,
The Tamil Nadu State Marketing Corporation
Limited (TASMAC), Kancheepuram (North) District,
Thirumazhisai Unit, No.1, Bangalore Highway Road,
Chembarambakkam, Thiruvallur District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.80303
+1cc to Mr.P.Arumugarajan, Advocate, S.R.No.80300

W.P.No.28261 of 2018

CS/28/11/2018