



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.15911 of 2018andW.M.P. (MD) No.14235 of 2018

Malaisamy

... Petitioner

vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC)
Sivagangai District,
Sivagangai.

4.The Inspector (PEW)
Prohibition Enforcement Wing,
Sivagangai District,
Sivagangai.

5.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the respondents that not to interfere and not to cause disturbance into the peaceful and lawful functioning of the petitioner's petty shop in Plot No.64 in Survey No.196/2, situating in Thiruvallur Village, Ilayankudi Taluk in Sivagangai District by taking into consideration of the petitioner's representation dated 16.07.2018.

For Petitioner : Mr. M.S.Jeyakarthick

For R1,R4 & R5 : Mr.J.Gunaseelanmuthiah

Additional Government Pleader

For R2 and R3 : Mr.H.Arumugam,

O R D E R

Mr.J.Gunaseelanmuthiah, learned Additional Government pleader,
<https://hcservices.ecourts.gov.in/hcservices/>
takes notice for the respondents 1,4 and 5. Mr.H.Arumugam, learned
Standing Counsel takes notice for the respondents 2 and 3.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 16.07.2018, seeking to direct the respondents not to interfere with the peaceful and lawful functioning of the petitioner's petty shop, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the third respondent to consider the petitioner's representation dated 16.07.2018 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1.The District Collector,
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Sivagangai.

5.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

+1cc to M/S.H.Arumugam, Advocate SR.No. 74402
+1cc to M/S.M.S.Jeyakarthick, Advocate SR.No. 74283
+1cc to Special Government Pleader, SR.No. 74368

W.P.(MD) No.15911 of 2018
and

W.M.P.(MD) No.14235 of 2018
20.07.2018

pnn
JM/RP/SAR 4/27.07.2018/3P/9C