

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2532 of 2019
and
W.M.P.No.2807 of 2019

Satheeskumar

...Petitioner

vs.

1.The District Collector
Erode District, Erode.

2.The TASMAC District Manager
No.24, TASC Building
Bhavani Main Road, Suriyampalaiyam
Erode, Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to restrain the respondents herein from shifting the TASMAC Shop No.3571 to the building situated in Survey No.718/1, Pothanaickanur, Bhavani Taluk, Erode District.

For Petitioner : Mr.S.Lakshmanasamy

For Respondents: Mr.I.Sathish
Additional Government Pleader
for R1
Mr.K.Sathish Kumar
standing counsel for R2

O R D E R

Mr.I.Sathish, learned Additional Government Pleader takes notice for the first respondent. Mr.K.Sathish Kumar, learned standing counsel takes notice for the second respondent. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for mandamus directing the respondents not to locate the TASMAC Shop No.3571 in the building situated in Survey No.718/1, Pothanaickanur, Bhavani

Taluk, Erode District, by contending, such location causes great hardship to the petitioner and his family members and the said location is also opposing the Distance Rules, since there is a School and Temple located nearby.

3. The learned standing counsel for the second respondent, based on instructions, submitted that the shop was already located in the disputed site and therefore, the prayer sought for in this writ petition does not survive any more.

4. At this juncture, the learned counsel for the petitioner contended that the petitioner's objection may be considered by the first respondent.

5. Needless to say that it is open to the petitioner to make a representation/objection against such location of the Tasmac Shop before the concerned authority by raising all his contentions. If any such objection is filed, it is for the concerned authority to consider and pass orders on the same on merits and in accordance with law.

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

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mk
To

1.The District Collector
Erode District, Erode.

2.The TASMAC District Manager
No.24, TASCO Building
Bhavani Main Road, Suriyampalaiyam
Erode, Erode District.

+1cc to Mr.K.Sathishkumar, Advocate sr.6834

WP.No.2532 of 2019

srg 30/01/2019