

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.4885 of 2019

V.Sundaramurthy

.. Petitioner

Vs.

1. The Collector,
Villupuram District.

2. The Managing Director,
TASMAC Ltd.,
CMDA Tower II,
4th Floor, Gandhi-Irwin Bridge Road,
Egmore, Chennai - 600 008.

3. The District Manager,
TASMAC Ltd,
No.59A, Chennai Trunk Road,
Ware House Corporation Complex,
Villupuram - 605 602.

4. The Assistant Commissioner (Excise),
Office of the District Collector campus,
Villupuram - 605 602.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to close the TASMAC Shop No.11587 situated in Siruvadi Village (Murukkeri) near State Highways No.SH134.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents 1&4 : Mr.Akhil Akbar Ali,
Government Advocate

For Respondents 2&3 : Mr.K.Sathishkumar,
Standing Counsel for TASMAC

O R D E R

(Order of the Court was made by S.MANIKUMAR, J.)

Materials on record discloses that objecting to the location of TASMAC shop No.11411 at Survey No.162/2 of Siruvadi Village, Marakannam Taluk, Villupuram district, the writ petitioner herein, has filed W.P.No.2461 of 2018 and vide order dated 05.02.2018, this Court directed the respondents herein to consider the said representation of the petitioner dated 27.11.2017 and accordingly pass orders.

2. Referring to the said order dated 05.02.2018, made in W.P.No.2461 of 2018, the third respondent herein has closed Shop Nos.11553 & 11584 running at Saram village, Tindivanam Taluk, Villupuram District.

3. It is the grievance of the petitioner that the respondents in W.P.No.2461 of 2018 have disobeyed the orders of this Court in not considering the representation, whereas, by changing the number of the TASMAC Shop No.11411 as 11587, allowed continuation of the shop in the same place and therefore, the petitioner made a representation dated 09.09.2018.

4. In as much as contending further that the said representation is unanswered, instant writ petition has been filed for a Mandamus directing the respondents to close the TASMAC Shop No.11587, situated in Siruvadi Village (Murukkeri) near State Highways No.SH134.

5. In the supporting affidavit to the instant writ petition, petitioner has also contended that for the alleged disobedience of the order made in W.P.No.2461 of 2018 he has filed a contempt petition and the same is in SR stage.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. When the attention of the learned counsel appearing for the petitioner was invited to the fact that action has already been taken by the petitioner by invoking the provisions of the Contempt of Courts Act, 1971 for the alleged violation of the order made in W.P.No.2461 of 2018, there cannot be issuance of Mandamus, one after the other, for the very same relief of closure of TASMAC Shop No.11411, now stated to be running at the same place but with a different number viz., TASMAC Shop No.11587 at Siruvadi Village (Murukkeri) near State Highways No.SH134, learned counsel for the petitioner sought permission to withdraw the writ petition with liberty to pursue the

contempt petition. Learned counsel for the petitioner has also made an endorsement to that effect.

8. Placing on record the above, instant writ petition is dismissed as withdrawn, with liberty as prayed for. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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4. The Assistant Commissioner (Excise),
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Villupuram - 605 602.

+1cc to Mr.K.Sathish kumar, Advocate Sr.16100

+1cc to the Government Pleader Sr.16620

+1cc to Mr.S.Ilamvaludhi, Advocate Sr.16276

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