

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2019

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THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.32141 of 2019

and

W.M.P.No.32425 of 2019

G.Thangaraj
S/o.Ganapathi

...Petitioner

vs.

- 1.The District Collector
Chennai District
Chennai.
- 2.The District Manager
Tasmac Chennai Central
Chennai District
B4 Ambattur Industrial Estate
Ambattur, Chennai.
- 3.Tamil Nadu State Marketing Corpn., Ltd., (TASMAC)
Rep. by its Managing Director
Thalamuthu Natarajan Building
Gandhi Irwin Road
Egmore, Chennai-600 008.
- 4.The Senior Regional Manager
Tamil Nadu State Marketing Corpn., Ltd., (TASMAC)
No.735, LLA Building, 4th Floor,
Anna Salai, Chennai-600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents, their men and people or subordinates or any other claiming through them from in any manner installing or locating any Tasmac Shop at Door No.83, Plot No.2, Justice Rathinavel Pandian Road, Mogappair East, Chennai-107 or at No.215, Ettiappan Street, Justice Rathinavel Pandian Road, Mogappair East, Chennai-600 107 with or without bar by considering the representation dated 06.11.2019.

For Petitioner : Mr.S.Balasubramanian

For Respondents: Mr.D.Suriyanarayanan
Additional Government Pleader
for R1
Mr.K.Sathish Kumar
standing counsel for R2 to R4

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the first respondent. Mr.K.Sathish Kumar, learned standing counsel takes notice for the respondents 2 to 4. 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 forbearing the respondents, from installing or locating any Tasmac Shop at Door No.83, Plot No.2, Justice Rathinavel Pandian Road, Mogappair East, Chennai-107 or at No.215, Ettiappan Street, Justice Rathinavel Pandian Road, Mogappair East, Chennai-600 107 with or without bar by considering the representation dated 06.11.2019.

3. The grievance of the petitioner is that the proposed location of the said TASMAC shop will cause hindrance to the public and also the school and college students. It is seen that another person viz., R.Sathish Kumar filed a writ petition in W.P.No.24706 of 2018 to forbear the authorities from locating the TASMAC Shop at Door No.83, Plot No.2, Justice Rathinavel Pandian Road, Mogappair East, Chennai-107. This Court, by order dated 19.09.2018 in W.P.No.24706 of 2018, directed the authorities to consider the said representation and pass orders on the same on merits and in accordance with law, after hearing the petitioner therein. It is also ordered therein that till an order is passed, the official respondents shall maintain status quo. Now, the present writ petition is filed by complaining that the authorities are proposing to locate the very same TASMAC shop in the very side road of Justice Rathinavel Pandian Road, viz., Ettiappan Street.

4. Ventilating such grievance, the petitioner has made a representation on 06.11.2019. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the respondents to consider the grievance of the petitioner and pass orders on the representation dated 06.11.2019 on merits and in accordance with law.

5. Accordingly, this Writ Petition is disposed, only by directing the first respondent to consider and pass orders on the representation of the petitioner dated 06.11.2019, on merits and in accordance with law, after hearing the petitioner and other interested parties, within a period of four weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent, the official respondents are directed to maintain status quo as on today in respect of location of the subject matter TSMAC shop in the disputed location. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

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Chennai.
- 2.The District Manager
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No.735, LLA Building, 4th Floor,
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+1 CC to Mr.K.Sathish Kumar, Advocate sr 95200.

+1 CC to Mr.S.Balasubramanian, Advocate sr 94954

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RP(CO)

SP(09/12/2019)