

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.01.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28547 of 2018

M.E.Murugadoss

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. By its Secretary, Home Department,
Fort St. George,
Chennai 600 009.
2. The Superintendent of Police,
Villupuram District.
3. The Deputy Superintendent of Police,
(Law and Order)
Tindivanam, Tindivanam Taluk.
4. The Sub Inspector of Police,
Olakkur Police Station,
Tindivanam Taluk.
5. Tamil Nadu State Marketing
Corporation Limited,
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai 600 008.

... Respondents

* R5 Suo motu impleaded vide court
order dated 21.01.2019
made in W.P.No.28547 of 2018 by PSNJ

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents particularly the Deputy Superintendent of Police (Law and Order) Tindivanam, Tindivanam Taluk. The Sub Inspector of Police Olakkur Police Station, Tindivanam Taluk. The Sub Inspector of Police Olakkur Police Station, Tindivanam Taluk the 3rd and 4th respondents herein to provide police permission to open the TASMACH shop No.11625 in the petitioner newly

constructed shop in survey No.26/3 at Eapakkam village, Tindivanam Taluk in pursuance of the communication in Na.Ka.A4/2018 dated 22.10.2018 sent by the District Manager (incharge) TASMAC shop, Villupuram to the 3rd respondent seeking police protection to open the TASMAC shop.

For Petitioner : Mr. K.Balakrishnan

For Respondents : Mr.E.Balamurugan
Special Govt.Pleader for RR1 to 4

Mr.K.Sathishkumar for R5

O R D E R

The prayer sought for in this Writ Petition is for the issuance of a Writ of Mandamus, seeking police protection to open TASMAC shop No.11625 in survey No.26/3 at Eapakkam village, Tindivanam Taluk in pursuance of the communication in Na.Ka.A4/2018 dated 22.10.2018 sent by the District Manager (incharge) TASMAC shop, Villupuram to the third respondent.

2. Heard Mr.K.Balakrishnan, learned Counsel appearing for the petitioner, Mr.E.Balamurugan, learned Special Government Pleader appearing for respondents 1 to 4 and Mr.K.Sathishkumar, learned counsel appearing for the fifth respondent.

3. It is seems that there was public agitation initiated against the opening of TASMAC Shop. However, later it appears that the general public also had reconciled to the opening of the TASMAC shop. It is also stated that even the Village people had given a petition to the Collector to open the TASMAC shop and they have no objection for the same. However, the petitioner has stated that the shop is situate in a highly sensitive area and often there were quarrels and clashes. Hence, the petitioner is seeking Police protection. The Tamil Nadu State Marketing Corporation Limited, impleaded as fifth respondent, has also pointed out that police protection may be given to the shop when the same is opened. The petitioner has also given a representation dated 23.10.2018 to the police to consider his representation by providing the police protection.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the third respondent to consider the petitioner's representation dated 23.10.2018 in terms of the regulations and pass appropriate orders, on merits and in accordance with law,

after issuing notice and also affording due opportunity of hearing to the petitioner, the fifth respondent and also the representatives of the general public in the Village as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Government of Tamil Nadu
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CMDA Tower-II, IV Floor,
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Egmore, Chennai 600 008.

+1cc to Mr.K.Balakrishnan, Advocate, S.R.No.7736
+1cc to Mr.K.Sathishkumar, Advocate, S.R.No.7823

W.P.No.28547 of 2018

VGII (CO)
CS/22/02/2019