



WEB COPY

W.P(MD)No.23366 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.23366 of 2019

and

W.M.P(MD)No.20024 of 2019

Gnanapandi

... Petitioner

Vs.

1.The Senior Regional Manager,
TASMAC,
Plot No.100, Anna Nagar,
Madurai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The District Manager,
TASMAC,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the TASMAC shop from Subash Nagar, Perumacheri Village, Ilayangudi Taluk, Sivagangai District by considering the petitioner's representation dated 25.07.2019 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For R-1 & R-3 : Mr.H.Arumugam

For R-2 : Mr.A.Muthukaruppan,

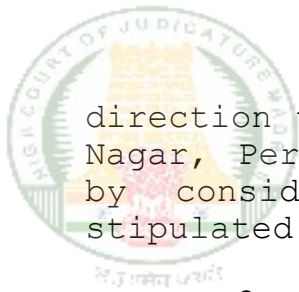
Additional Government Pleader

ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.S.Jeyakarthik, learned counsel for the petitioner, Mr.H.Arumugam, learned standing counsel for the respondents 1 and 3 and Mr.A.Muthukaruppan, learned Additional Government Pleader for the second respondent.

2. This writ petition is filed by the petitioner seeking a
<https://hcservices.ecourts.gov.in/hcservices/>



direction upon the respondents to close the TASMAC shop from Subash Nagar, Perumacheri Village, Ilayangudi Taluk, Sivagangai District by considering his representation dated 25.07.2019 within a stipulated time.

3. According to the petitioner, the subject TASMAC shop is located in close proximity to the bus-stand. This cannot be a reason to direct the respondents to close the TAMAC shop. Because, this is not a prohibited area under the relevant Rules. Further, the Honourable Division Bench has held that Writ of Mandamus should not be issued when there is no infraction of Rules.

4. The learned standing counsel appearing for the TASMAC submitted that the petitioner is an employee of a person, who has been granted licence to sell eatables and to collect empty bottles in a bar attached to a TASMAC retail vending shop, which is located in close proximity to the subject shop. Therefore, it is submitted that the intention is to close the present shop so that income in the other bar will increase.

5. Considering all these factors, we are not inclined to issue directions as sought for by the petitioner and therefore, the writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

pm
To

The District Collector,
Sivagangai District,
Sivagangai.

+1 CC to M/s.SPL GP (SR-96698[F] dated 07/11/2019)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-96833[F] dated 07/11/2019)

ORDER MADE IN
W.P (MD) No.23366 of 2019
06.11.2019

_KK/SAR/25.11.2019/2P-4C/