



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.16937 of 2020

CTR.Suresh

.. Petitioner

Vs.

1.The District Collector,
Nagercoil.

2.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Kanyakumari District.

3.The Tahsildar,
Agasteeswaram Taluk, Nagercoil.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 31.10.2020 and direct the second respondent to open the TASMAC shop at Door No.21/140-2, Koilvilai in Kanyakumari District, on the basis of the permission granted by the first respondent.

For Petitioner	:	Mr.A.Balakrishnan
For R-1 & R-3	:	Mr.C.Ramar Additional Government Pleader
For R-2	:	Mr.S.Ramakrishnan for Mr.B.Jameel Arasu Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 31.10.2020 and further to direct the second respondent to open the TASMAC shop at Door No.21/140-2, Koilvilai in Kanyakumari District, on the basis of the permission granted by the first respondent.

2. Mr.C.Ramar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 3 and Mr.S.Ramakrishnan, learned counsel for Mr.B.Jameel Arasu, learned Standing counsel accepts notice on behalf of the second respondent.

3. Heard Mr.A.Balakrishnan, learned counsel for the petitioner, Mr.C.Ramar, learned Additional Government Pleader for the respondents 1 and 3 and Mr.S.Ramakrishnan, learned counsel for Mr.B.Jameel Arasu, learned for the second respondent.



4. It is the case of the petitioner that on 13.08.2019, the first respondent by his proceedings granted permission to the petitioner to open a TASMAC shop at Door No.21/140-2, Koilvilai in Kanyakumari District. It is the case of the petitioner that he has spent substantial sums of money for the purpose of putting up the said TASMAC shop. According to the petitioner, till date, the second respondent has not opened the TASMAC shop in the petitioner's business premises, despite an order passed by the first respondent dated 13.08.2019. The petitioner has given a representation on 31.10.2020 requesting the second respondent to open the TASMAC shop as per the proceedings of the first respondent dated 13.08.2019. According to the petitioner, till date, the said representation has not been considered by the respondents. In such circumstances, this Writ Petition has been filed seeking for a direction to the second respondent to consider the petitioner's representation dated 31.10.2020 seeking for opening of a TASMAC shop in his property.

5. The relief sought for in this Writ Petition is an innocuous relief. No prejudice will be caused to the respondents if the representation of the petitioner is considered by them on merits and in accordance with law.

6. Admittedly, the petitioner has been granted permission to have a TASMAC shop in his property at Door No.21/140-2, Koilvilai in Kanyakumari District, by the proceedings of the first respondent dated 13.08.2019. The grievance of the petitioner is that despite the said proceedings till date no TASMAC shop has been opened in his property.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 31.10.2020 requesting the second respondent to open the TASMAC shop at Door No.21/140-2, Koilvilai in Kanyakumari District, based on the permission granted by the first respondent in his proceedings dated 13.08.2019 and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Nagercoil.

2.The Tahsildar,
Agasteeswaram Taluk, Nagercoil.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Kanyakumari District.

+1 CC to Mr.A.BALA KRISHNAN, Advocate (SR-23304[F]dated 30/11/2020)

+1 CC to SPL GP (SR-23332[F] dated 30/11/2020)

ABDUL QUDDHOSE, J.

W.P (MD) .No.16937 of 2020

27.11.2020

VB (07.12.2020) 3P 6C