



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Tuesday, the Tenth day of August Two Thousand and Twenty One

PRESENT

The Hon'ble Mr. Justice N.KIRUBAKARAN

AND

The Hon'ble Mr. Justice M.DURAI SWAMY

WP(MD) . No.19278 of 2020

Thaha Mohamed. M
S/o. Musthafa
D.No.5/22c
Mahalakshmi Nagar
Thattankulam
Narasingham Post
Madurai-23

... Petitioner

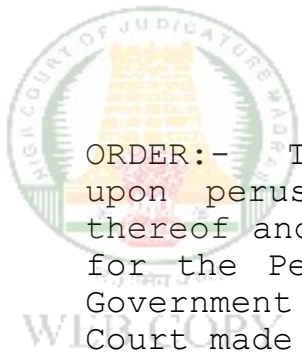
Vs

- 1 The District Collector
Madurai District Madurai
- 2 The Branch Manager
Tamil Nadu State Marketing Corporation
Madurai
- 3 The Managing Director,
Tamil Nadu State Marketing Corporation Limited
CMDA Tower II
IV Floor
Gandhi Irwin Bridge Road
Egmore Chennai 600 008.
(R3 is Suo Motu Impleaded vide
order dated 21.12.2020)

... Respondents

Prayer :-

This Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the TASMAR shop in Shop No.5422 situated in Thattankulam Main Road, Madurai by considering the petitioner representation dated 12.2.19 and to pass such further or other orders as this Honourable court may deem fit proper in the said circumstances of the case and thus render justice.



ORDER:- This Writ Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.Chengiz Khan, Advocate for the Petitioner and of M/s.A.K.Manickam, Standing Counsel For Government For R1,R2 and M/s.H.Arumugam, Advocate For R3, , this Court made the following order:

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

By order dated 23.12.2020, this Court directed closure of the TASMAC Shop No.5422 from Thattankulam Main Road, Uthangudi, Madurai North Taluk, Madurai District for the reasons elaborately stated therein. However, in the Writ Petition filed by one Prabhu in W.P. (MD) No.1668 of 2021, subsequently, this Court kept the above said order in abeyance on 01.03.2021. Thereafter, the TASMAC was opened on 04.03.2021.

2.When the matter was called along with W.P.(MD) No.1668 of 2021 on 09.08.2021, it was pointed out by the learned counsel for the petitioner that the said shop was closed not only on the direction of this Court, but also based on the decision of the TASMAC (Tamil Nadu State Marketing Corporation Limited) to close the said shop. Therefore, the petitioner therein, who is a licence holder to sell snack, cannot ask the TASMAC to reopen the shop and the decision of the TASMAC cannot be interfered with.

3.Moreover, the order passed by this Court is not challenged before the Hon'ble Supreme Court and it has become final. In fact, the order has been complied with. In view of that, no further review of the order can be made. Hence, the learned counsel for the petitioner in W.P.(MD) No.1668 of 2021 sought for permission to withdraw the Writ Petition and accordingly, this Court on 09.08.2021 dismissed the said Writ Petition as withdrawn. Further, this Court directed closure of the above shop within 24 hours in compliance of the order dated 23.12.2020, which has not been challenged before any forum. Accordingly, the matter is posted today for reporting compliance.

4.When the matter is called today (10.08.2021), Mr.H.Arumugam, learned Standing Counsel for the TASMAC filed the compliance report filed by Ms.K.Nazeemunnisa, the District Manager, TASMAC, Madurai North, stating that to give effect to the order passed by this Court on 23.12.2020, TASMAC Shop No.5422 has been closed. Paragraph No.4 of the compliance report is extracted hereunder:

"4.While so, both the writ petitions came up for hearing on 09.08.2021 and the licensee has withdrawn his writ petition in W.P.(MD) No.1668 of 2021, resulting that



the interim direction was given came to an end and thus the shop has to be closed as per the earlier order. Accordingly, this respondent has closed the shop on with effect from 10.08.2021. In compliance of the above order this affidavit is filed."

In view of that, the order of this Court dated 23.12.2020, has been complied with. Hence, no further order is necessary in this Writ Petition.

5.It is made clear that this Court passed orders to close the above shop, considering the interest of about 2,000 girl students, who are studying nearer to the said TASMAC shop and the nuisance and problems faced by the public at the hands of drunkards, who are fighting with each other.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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
Madurai District
Madurai
2. The Commissioner of Police, Madurai City
3. The Branch Manager
Tamil Nadu State Marketing Corporation
Madurai
4. The Mannaging Director,
Tamil Nadu State Marketing Corporation Limited
CMDA Tower II IV Floor
Gandhi Irwin Bridge Road Egmore Chennai 600 008.



5.The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 10/08/2021

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ORDER

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WP(MD). No.19278 of 2020

Giving direction and etc.
as stated within.

RK (25.08.2021) 4P 7C