

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.5249 of 2020
and
WMP. Nos.6197 & 6199 of 2020

S.Sakthi

...Petitioner

Vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tamil nadu State Marketing Corporation Limited (TASMAC)
Rep. by its District Manager,
Kancheepuram (North), District,
Thirumazhisai Unit (III),
No.1, Bangalore Highway Road,
Chembarambakkam,
Chennai - 600 123.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, to call for the records relating to the order of the 1st respondent dated 27.01.2020 in Na.Ka.No.1609/2019/V1 and the consequential order of the 2nd respondent dated 28.01.2020 in Na.Ka.No.4448/A6/2020, and quash the same.

For Petitioner : Mr.K.Selvaraj

For Respondents : Ms.R.P.Prathap Singh,
Government Advocate for R1
Mr.P.Arumugarajan,
Standing Counsel for R2

O R D E R

Heard Mr.K.Selvaraj, learned counsel for the petitioner, Mr.R.P.Prathap Singh, learned Government Advocate for R1 and Mr.P.Arumugarajan, learned Standing Counsel for R2.

2. The petitioner challenges order dated 27.01.2020 in terms of which TASMAC vending unit No.4448 located in JJB Nagar, Molachur was proposed to be shifted to a new location on account

of objections from the general public in that area and traffic conditions. The impugned order has been passed subsequent to an internal direction issued by the District Collector/R1 to the District Manager, TASMAL/R2. According to the petitioner, he ought to have been issued a notice prior to the proposed change. He states that he has been prejudiced on account of the fact that he has been running the shop in the present location from 2013 onwards. The licence is valid till 30.09.2021.

3. According to the respondents, the decision as to the location of the TASMAL unit is one to be taken solely by the respondents and the petitioner has no say in the decision, particularly seeing as he has been given licence only for the purpose of selling snacks and collecting empty bottles. The proposal to shift the shop has been taken bearing in mind difficulties faced by the general public on account of increased traffic.

4. Having heard the rival contentions, I am of the view that there is no merit in this Writ Petition. As rightly contended by the respondents, a decision in regard to the location of a TASMAL shop must be taken by the respondents, yielding to public opinion in this regard.

5. In the present case, though the shop may have functioned at a particular location for several years, if a change is warranted on account of increased traffic movement or other relevant conditions, the same must be taken into account by the authorities in taking a decision as to whether the location be shifted. The terms and conditions of licence qua the petitioner and R2, which have been placed on record by R2, contain a stipulation to the effect that any decision as to the location of the TASMAL shop must be taken only by R2 and that the petitioner as a licensee is bound by the same.

6. In such circumstances, this Writ Petition is dismissed. Learned counsel for R2, states that the petitioner has been asked to identify an alternate place adjacent to the proposed location from which he may continue the business of vending snacks and collecting empty bottles and it is for the petitioner to locate such a place in which event he will continue the business under licence, till 30.09.2021. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

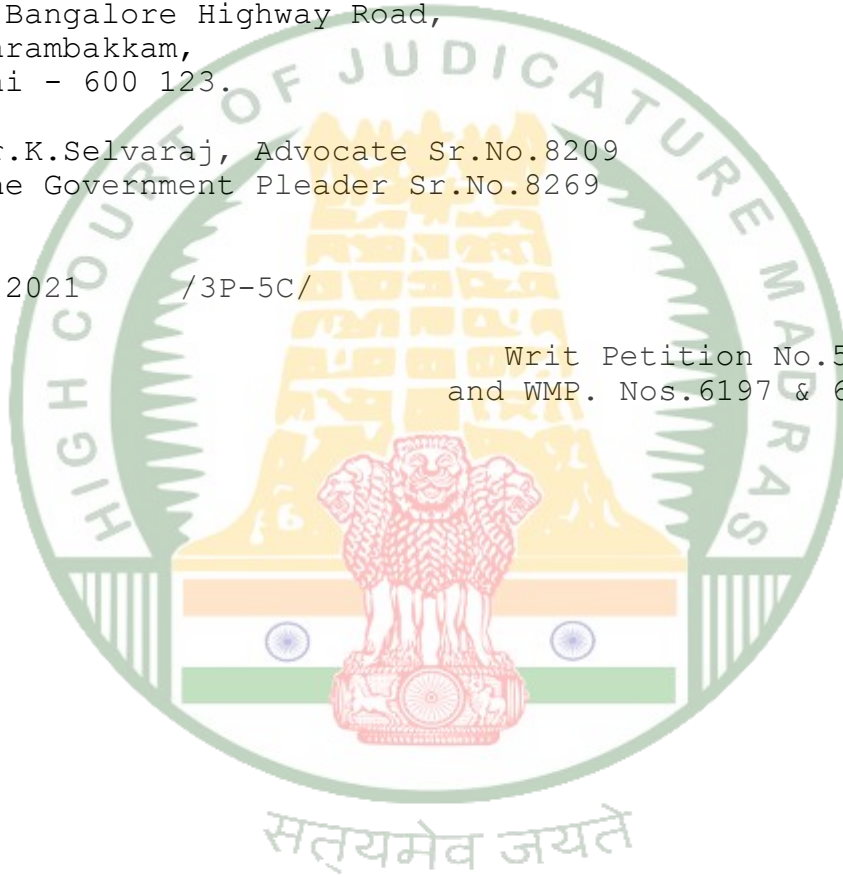
1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The District Manager,
Tamil nadu State Marketing Corporation Limited (TASMAC)
Kancheepuram (North), District,
Thirumazhisai Unit (III),
No.1, Bangalore Highway Road,
Chembarambakkam,
Chennai - 600 123.

+1cc to Mr.K.Selvaraj, Advocate Sr.No.8209
+1cc to The Government Pleader Sr.No.8269

AKM/04.03.2021 /3P-5C/

Writ Petition No.5249 of 2020
and WMP. Nos.6197 & 6199 of 2020



WEB COPY