

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.18251 and 18740 of 2020

W.P.No.18251 of 2020:

S.Jayabalan

.. Petitioner

Vs

1. The Tamil Nadu State Marketing Corporation Ltd (TASMAC), rep. by its Managing Director Thalamuthu Natarajan Maaligai Gandhi Irwin Road, Egmore Chennai - 600 008.
 2. The District Collector Coimbatore District Coimbatore.
 3. The Tamil Nadu State Marketing Corporation Ltd (TASMAC), rep. by its Senior Regional Manager Coimbatore District, Coimbatore.
 4. The Tamil Nadu State Marketing Corporation Ltd (TASMAC), rep. by its District Manager Coimbatore District, Coimbatore.
- .. Respondents

W.P.No.18740 of 2020:

K.Saravanan

.. Petitioner

Vs.

1. The District Collector Coimbatore District Coimbatore.

2. The District Manager
Tamilnadu State Marketing Corporation
Coimbatore North
Coimbatore District.

3. S.Jayabalan .. Respondents

Prayer in W.P.No.18251 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct respondents 1, 3 and 4 to implement the order passed by the second respondent dated 25.9.2020 by removing the TASMAC wine shop No.1505 located in S.F.No.154/1 at Door No.2/222 and 2/223, Ayima Puthur Village, Odderpalayam Post, Annur, Coimbatore District or seal the premises forthwith.

Prayer in W.P.No.18740 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned communication dated 2.11.2020 passed in Na.Ka.No.729/2020/Kou.1, on the file of the first respondent herein addressed to the second respondent herein, and quash the same.

For Petitioner : Mr.A.S.Balaji
in WP.18251/2020
and 3rd respondent
in WP.18740/2020

For Petitioner : Mr.K.Govi Ganesan
in WP.18740/2020

For Respondents : Mr.Sathish Kumar
Standing Counsel
for respondents 1, 3 and 4
in W.P.No.18251 of 2020
and 2nd respondent
in W.P.No.18740 of 2020

Ms.R.J.Radhika
Government Advocate
for 2nd respondent
in W.P.No.18251 of 2020
and 1st respondent
in W.P.No.18740 of 2020

COMMON ORDER

(Order of the Court was made by SENTHILKUMAR RAMAMOORTHY,J.)

These two writ petitions relate to a particular Tasmac shop bearing No.1505 and located in Survey No.154/1 at Ayima Puthur Village, Odderpalayam Post, Annur, Coimbatore District.

2. W.P.No.18251 of 2020 was filed to remove the Tasmac shop. Pursuant to the filing of the said writ petition, it appears that the District Collector by a communication of 2.11.2020 directed the closure of the Tasmac shop. The said communication is challenged by the owner of the Tasmac shop in W.P.No.18740 of 2020.

3. The admitted position is that the communication of 2.11.2020 was issued without hearing the owner of the Tasmac shop. Therefore, there is merit in the contention of the petitioner in W.P.No.18740 of 2020 that the principles of natural justice were not complied with before issuing the impugned communication of 2.11.2020. Accordingly, the communication dated 2.11.2020 is quashed. Consequently, the District Collector, Coimbatore District, Coimbatore is directed to reconsider the matter. For this purpose, the shop owner is permitted to submit a fresh representation to the District Collector seeking permission to open the Tasmac shop. Such representation shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the District Collector is directed to decide such representation by a reasoned order after providing a reasonable opportunity to all parties, including the petitioner in W.P.No.18251 of 2020 and the petitioner in W.P.No.18740 of 2020. Such reasoned order shall be passed within a period of six weeks from the date of receipt of such representation and till a final decision is taken by the District Collector, the concerned shop will not be opened. It is made clear that the merits of the matter has not been examined and it is open to all parties concerned to raise all contentions and submit necessary supporting material before the District Collector.

W.P.Nos.18251 and 18740 of 2020 are disposed of in the above terms. No costs. Consequently, W.M.P.Nos.23275 and 23276 of 2020 are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Thalamuthu Natarajan Maaligai
Gandhi Irwin Road, Egmore
Chennai - 600 008.
2. The District Collector
Coimbatore District
Coimbatore.
3. The Senior Regional Manager
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Coimbatore District, Coimbatore.
4. The District Manager
Tamil Nadu State Marketing Corporation Ltd.
(TASMAC), Coimbatore District, Coimbatore.

+1 cc to M/s.K.Govi Ganesan, Advocate Sr.No. 20073

+1 cc to The Government Pleader Sr.No. 20200

W.P.Nos.18251 and 18740 of 2020

GSM(CO)
RMP (17/04/2021)



सत्यमेव जयते

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