



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.P. (MD) No. 2042 of 2021

and

W.M.P. (MD) No. 1721 of 2021

K. Karunamoorthi

: Petitioner

Vs.

1. The District Collector,
Thanjavur District.

2. The Superintendent of Police,
Thanjavur District.

3. The District Manager,
Tamil Nadu State Marketing Corporation,
Thanjavur District.

4. The Deputy Superintendent of Police,
Thiruvaiyar Police Station,
Thanjavur District.

5. The Tahsildar,
Thiruvaiyar Post and Taluk,
Thanjavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents from opening the TASMACH shop at Karuppur Village, Thiruvaiyar Taluk, Thanjavur District, based on the representation sent by the villagers.

For Petitioner : Mr. P. Ganapathi Subramanian

For Respondents : Mr. K. P. Krishnadoss,
Special Government Pleader
for RR. 1, 2, 4 & 5

Mr. H. Arumugam,
Standing Counsel for R. 3



ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

The petitioner has come forward to file this writ petition seeking a writ of mandamus on the ground that the TASMAC shop is located within the prohibited distance. The learned Counsel appearing for the petitioner has also submitted that the local body has also passed a resolution in this regard.

2. The learned Standing Counsel appearing for the TASMAC submitted that there is no such violation of distance rule and that the petitioner has not made any specific averment in this regard.

3. We do not find any merit in this writ petition. The affidavit filed by the petitioner is bereft of material particulars. This Court cannot conduct a roving enquiry. The resolution, if any, passed by the local body has got no legal effect, as has been held by this Court already.

4. In view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

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Sub Assistant Registrar(CS)

gk

To

1.The District Collector,
Thanjavur District.

2.The Superintendent of Police,
Thanjavur District.

3.The Deputy Superintendent of Police,
Thiruvaiyar Police Station,
Thanjavur District.

4.The Tahsildar, Thiruvaiyar Post and Taluk,
Thanjavur District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-4588[F] dated 11/02/2021)

W.P. (MD) No. 2042 of 2021

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SV2 (CO)

TR(23.02.2021) 2P 6C

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