



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.3600 of 2020

W.M.P. (MD) Nos.3046 & 3047 of 2020

(Through Video Conferencing)

Suyambulingam : Petitioner

Vs.

1.The District Collector
Kanyakumari District,
at Nagercoil.

2.The District Manager,
TASMAC Ltd.,
Kanyakumari District,
Kanyakumari.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 1st respondent vide his proceedings in Roc.R5/40075/2019 dated 12.02.2020 and quash the same as illegal.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.K.P.Krishnadoss for R1
Special Government Pleader
Mr.B.Jameelarasu for R2

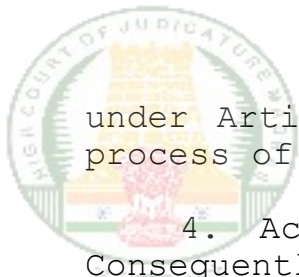
ORDER

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

The petitioner has come forward to challenge the order impugned dated 12.02.2020, wherein, after conducting due enquiry, the shop was directed to be located, over which, the petitioner has got grievance.

2. The learned counsel for the petitioner submitted that there is a school and children hospital nearby the shop. However, the learned counsel for the respondent TASMAC submitted that only after due verification, as could be seen from the order dated 12.02.2020, permission has been granted.

3. We cannot conduct a roving enquiry with respect to the distance rule, unless and until the petitioner has come forward with unimpeachable evidence. This Court cannot exercise the power



under Article 226 of the Constitution of India by interfering the process of measurement.

4. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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

The District Collector
Kanyakumari District,
at Nagercoil.

+1 CC to M/s.SPL GP (SR-2367[F] dated 29/01/2021)

W.P. (MD)No.3600 of 2020
27.01.2021

NA (CO)
KB (09.02.2021) 2P 3C