



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2021

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD)No.10470 of 2021

and W.M.P. (MD) No.8150 of 2021

S.Venkatachalam

... Petitioner

Vs.

- 1.The Managing Director (TASMAC),
Thalamuthu Natarajan Maligai,
Egmore,
Chennai - 600 008.
- 2.The District Collector,
Thanjavur District,
Thanjavur.
- 3.The Tahsildar,
Taluk Office,
Pattukkottai,
Thanjavur District.
- 4.The Manager (TASMAC),
Pattukkottai,
Thanjavur District.
- 5.The Inspector of Police,
Sethubavachatram,
Thanjavur District,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd Respondent not to grant permission for setting up of TASMAC Shop near Sarabendrajanpattinam Village in Survey No.32/2, Pattukkottai Taluka, Thanjavur District by considering the representation(s) dated 30.07.2014, 06.05.2021, 07.05.2021 & 08.05.2021.

For Petitioner	:	Mr.E.Somasundaram
For Respondent Nos.1 & 4	:	Mr.H.Arumugam Standing Counsel
For Respondent Nos.2, 3 & 5	:	Mr.R.Baskaran Standing Counsel for Government

**ORDER**

(Order of the Court was made by T. S. SIVAGNANAM, J.)

This Writ Petition has been filed as a Public Interest Litigation objecting to the proposed location of TASMACH Shop near Sarabendrajanpattinam Village in Survey No.32/2, Pattukkottai Taluk, Thanjavur District.

2. Heard Mr.E.Somasundaram, learned counsel for the petitioner, Mr.H.Arumugam, learned Standing Counsel, appearing for Respondent Nos.1 & 4 and Mr.R.Baskaran, learned Standing Counsel for Government, appearing for Respondent Nos.2, 3 & 5.

3.Learned counsel for the petitioner pointed out that the proposed location of the TASMACH Shop will violate distance rule and it is within prohibited distance and apart from that it will cause lot of nuisance and there is another shop in the vicinity and there is no necessity for establishing the shop at the present location.

4.Learned Standing Counsel for respondent Nos.1 and 4 would submit that pursuant to the directions issued, the Tahsildar has conducted inspection of the proposed location of the shop on 17.06.2021 and has drawn a report, which is to be placed before the District Collector for consideration. Referring to the said report, it is submitted that the objections conveyed by the petitioner appears to be incorrect and the Tahsildar report seems to indicate that there is no violation of distance rule fixed.

5.In any event, ultimately, the District Collector, Thanjavur District has to take a decision. But one thing we have to state is that the shop cannot be permitted within the prohibited distance. Even assuming that it is beyond prohibited distance, if there is law and order issue, which may arise out of the local or entire public of the area in one voice submitting that the shop need not be located in the area, the same can be considered by the District Collector because he is head of the Revenue District and he has to take into consideration all the factors, which would be for the welfare of the public in the area. However, if the objection is made on vested interest or if the objection lacks *bona fides*, then it is always open to the District Collector to take appropriate decision in the matter.

6.In the case on hand, since the Tahsildar has already conducted an inspection and submitted a report, the District Collector, Thanjavur is directed to consider the said report and the objections filed by the petitioner on his behalf and on behalf of other villagers and take note of the suggestions made above and pass an order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.



7.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

// 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,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Taluk Office,
Pattukkottai,
Thanjavur District.

3.The Inspector of Police,
Sethubavachatram,
Thanjavur District,
Thanjavur.

+1 CC to M/s.E.SOMASUNDARAM, Advocate (SR-20078[F] dated 24/06/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-20287[F] dated 25/06/2021)

+1 CC to M/s.SPL GP (SR-20178[F] dated 24/06/2021)

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23.06.2021

KB(01.07.2021) 3P 7C