



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No. 4455 of 2019

WEB COPY

S.Shanmugam

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Pudukottai District.

2.The Managing Director,
TASMAC Limited,
Thalamuthu Natarajan Building,
4th Floor, 2nd Block,
Egmore, Chennai.

3.The District Manager,
TASMAC Limited,
Trichy Region,
5/B1, SIPCOT Industrial Complex,
Pudukottai.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, direct the respondents for not to open the TASMAC shop at near Government Hospital, Pattathik Kaddu Village, Pudukottai District on the basis of the petitioner representation, dated 11.02.2019, within the time stipulated by this Court.

For Petitioner	: Mr.R.Alagumani
For Respondent	: Mr.P.Thilak Kumar
No.1	Government Pleader
For Respondents	: Mr.H. Arumugam
No. 2 and 3	

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains of a Tasmac outlet being close to a Primary Health Care Centre.

2.There are guidelines in place as to where the Tasmac shop can be set up. Ordinarily, it is the District Collector who ensures the adherence to such guidelines.

<https://hcservices.ecourts.gov.in/hcservices/>



3. Accordingly, without going into the merits of the allegations, the petitioner is permitted to carry a grievance to the first respondent District Collector in respect of the location of the Tasmac outlet in question. The first respondent will conduct an enquiry and ensure that the guidelines have not been breached if the relevant outlet being permitted to function. In the event the Collector finds that the Tasmac outlet is not in consonance with the guidelines, appropriate steps should be taken upon due notice to the Tasmac, as the owner of the relevant outlets.

4. The petitioner will deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) with the Collector before the Collector makes any inquiry. In the event the deposit is not made, the Collector will not be called upon to take any cognizance of the petitioner's representation. Upon the deposit being made and the inquiry being conducted by the Collector, if the collector finds that the outlet does not breach any of the guidelines, the deposit will be forfeited and put into the Government treasury.

5. W.P.(MD) No.4455 OF 2019 is disposed of. There will be no order as to costs. W.M.P. (MD) No.9742 of 2021 is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

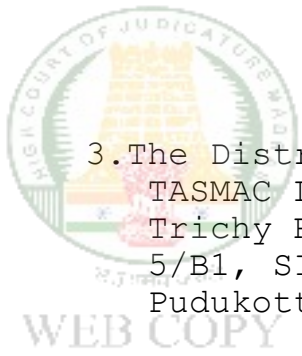
mrn/lr

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,
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Pudukottai District.

2. The Managing Director,
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3.The District Manager,
TASMAC Limited,
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Pudukottai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-30678[F] dated 29/09/2021)

+1 CC to M/s.SPL.GP (SR-30662[F] dated 29/09/2021)

W.P. (MD) No. 4455 of 2019
28.09.2021

NA (CO)

RS (06.10.2021) 3P 6C