



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.14620 of 2020

&

W.M.P. (MD)Nos.12275 and 12276 of 2020

and

W.P. (MD)No.17014 of 2020

W.P. (MD)No.14620 of 2020:-

India Mathar Thesiya Sammelanam Madurai Manager (NFIW),
Rep. by its District Secretary,
P.Rajalakshmi, W/o, Paulraj,
No.24, Minn Nagar, Temple City Hotel Back Side,
K.Pudur,
Madurai.

... Petitioner

Vs.

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

2.The Senior Regional Manager,
TASMAC,
Office of the Senior Regional Manager,
Madurai Region,
Madurai.

3.The District Manager,
TASMAC, Madurai South,
Madurai.

4.The Assistant Commissioner (Excise),
Madurai Collector Office Campus,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected to the impugned order in Na.Ka.No.6880/2020/kJ3, dated 12.08.2020, passed by the first respondent, quash the same and consequently, direct the first respondent to conduct a detailed enquiry to the fourth respondent with regard to the opening of TASMAC Retail Shops in Ellis Nagar, Madurai City.



For Petitioner : Mr.Nirajan S.Kumar
For R1 and R4 : Mr.K.P.Krishnadoss
Special Government Pleader
For R2 and R3 : Mr.H.Arumugam

W.P. (MD)No.17014 of 2020:-

S.Manoj Kumar

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District TASMAL Manager (South),
Kappalalur, Madurai District.

3.The Excise Deputy Commissioner,
Office of District Collector,
Madurai.

4.The Supervisor,
TASMAL Shop No.5248,
Raja Sarmuthaiah Nagar,
Sathya Moorthy Nagar Main Road,
Ellis Nagar,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Cwonstitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the fourth respondent TASMAL Shop No.5248 from the existing place Raja Sarmuthaiah Nagar, Sathya Moorthy Nagar Main Road, Ellis Nagar, Madurai, by considering the petitioner's representation, dated 04.11.2020, within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For R1 and R3 : Mr.K.P.Krishnadoss
Special Government Pleader
For R2 and R4 : Mr.H.Arumugam

COMMON ORDER

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

As the issue involved in both the writ petitions are one and the same, they were heard together and disposed of by this common order.

2.In both the Writ Petitions, two different TASMAL shops, situated in nearby areas are sought to be closed.



3. On a perusal of the counter affidavit filed by the contesting respondent, namely, the TASMAG, we do not find any violation of the Rule involved. Per se, this Court cannot conduct a roving enquiry in such matters.

4. In such view of the matter, both the Writ Petitions stand closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Office of the District Collector,
Madurai District,
Madurai.

2. The Assistant Commissioner (Excise),
Madurai Collector Office Campus,
Madurai.

+2 CC to M/s.H.ARUMUGAM, Advocate (SR-11377[F],11376 dated 16/03/2021)

+2 CC to M/s.SPL GP (SR-11527[F],11530 dated 16/03/2021)

W.P. (MD)Nos.14620 & 17014 of 2020
15.03.2021

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KB(24.03.2021) 3P 7C