



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD)No.16370 of 2019

J.K.Ibnu

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Madurai District.

2.The Tamil Nadu State Marketing Corporation Ltd.,
Represented by it's Managing Director,
CMDA Tower II,
4th Floor, Gandhi Irwin Bridge Road,
Egmore,
Chennai - 600 008.

3.The District Manager,
O/o the District Manager,
The Tamil Nadu State Marketing Corporation Ltd.,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the Respondents to remove the TASMALC shop in No.5181 which is situated at TPK Road, Near Periyar Bus Stand, Madurai by considering the petitioner's representation dated 23.06.2019 within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent No.1 : Mr.K.P.Krishnadoss
Special Government Pleader

For Respondent Nos.2 & 3: Mr.H.Arumugam,
Standing Counsel



ORDER

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

Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for respondent No.1 and the learned Standing Counsel appearing for respondent Nos.2 and 3.

2.Learned counsel for the petitioner submitted that the shop is situated in an objectionable place.

3.Learned Standing Counsel appearing for Respondent Nos.2 and 3 submitted that there is no bonafide in the litigation filed and there are two TASMACH Shops situated in that place and the Writ Petition is filed only against the present shop.

4.In the status report filed by respondent No.1, it has been stated as follows:-

"2.I submit that on 01.09.2020 this Hon'ble Court was pleased to direct this 1st respondent to cause surprise inspection of the shop No.5181 and file a status report, the order of this Hon'ble Court is extracted hereunder:-

"7.Now, this Court would like to know as to how the TASMACH shops are being maintained for the reason that it is the first respondent who is the licensing authority and therefore, directs the first respondent/the District Collector, Madurai District to cause surprise inspection of the shop in question and find out whether the inside and outside of the said shop, is being maintained in a neat, tidy and sanitary condition and also suggest remedial measures, if it is otherwise, by filing status report with supporting documents and photographs."

3.As per order dated 01.09.2020 in W.P.(MD) No.16370 of 2019, the first respondent/District Collector has made a surprise inspection in the above mentioned shop No.5581 on 12.10.2020 and reported as cleanliness is maintained. However, it is instructed that behind the shop, Dustbin, Garbage, Bottles need to be cleaned. And the same photographs have been maintained."

4.After perusing the status report filed by respondent No.1, we find no violation of the relevant rules. The petitioner has also not indicated the violation of any Rules. We cannot conduct a roving enquiry under Article 226 of the Constitution of India.



5. In view of the above, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

// 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

The District Collector,
O/o. The District Collector,
Madurai District.

+1 CC to M/s.SPL GP (SR-13893[F] dated 26/03/2021)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-14023[F] dated 26/03/2021)

W.P. (MD) No.16370 of 2019
25.03.2021

SDS(11.05.2021) 3P 4C