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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.02.2021
CORAM:
THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
AND
THE HONOURABLE MRS.JUSTICE **S.ANANTHI**
W.P.(MD)No.19707 of 2020
and
W.M.P.(MD)No.16440 of 2020

V.Ajith : Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
at Nagercoil.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Madurai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Nagercoil,
Kanyakumari District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to remove the TASMAC Shop No.4895 and bar attached thereto, from Suzhal, Adaikkuli Post, Killiyur Taluk, Kanyakumari District and relocate the same at any far off unobjectionable place.

For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader
for R.1
Mr.B.Jameel Arasu
Standing Counsel
for R.2 & R.3

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ORDER

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

The petitioner, notwithstanding the earlier dismissal of the writ petition, came forward to file the present one, for the second time. On an earlier occasion, the petition filed by the petitioner in W.P.(MD)No.10888 of 2017 was dismissed by this Court, by order dated 21.08.2017, as follows:

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"The writ petitioner seeks a direction to close the TASMAC Shop No.4985 situated at Oorambu, Kollemcode Main Road, Kaliyakkavilai, Kanyakumari District. But neither in the affidavit filed in support of the petition nor in the representation dated 13.04.2017, the writ petitioner has stated as to how the distance rule has been violated by the location of the said Tasmac shop. We see no legal ground in the writ petition. Hence, this writ petition is dismissed."

For the very same plea, the petitioner has now preferred the present writ petition.

2. The learned Counsel appearing for the petitioner submitted that without having adequate infrastructure facility, the bar is being run and that too, near a Vegetable and Fish market.

3. The learned Standing Counsel appearing for TASMAC submitted that there is absolutely no *bona fide* and the present writ petition is filed at the instance of the private bar owners.

4. We are not inclined to entertain this writ petition for more than one reasons. This is a second writ petition filed by the petitioner. When a Public Interest Litigation is filed, the petitioner is expected to undertake a larger exercise like collecting the relevant facts. In a hurried manner, the earlier writ petition was filed and also the present one. The petitioner, without substantiating any violation, has come forward to file the writ petition for the second time. On the ground of infrastructure, the petitioner has not satisfied this Court and in any case, the petitioner cannot be concerned too much about the same.

5. We do not find any public interest involved in this matter as the petitioner seeks to raise a trivial issue for the second time. Though this is a fit case for imposing costs, we refrain from doing so, with a hope that the petitioner will not undertake such judicial adventurism. The resolution, if any, passed by the Panchayat will not have a bearing, as already held by this Court.

6. In fine, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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gk

To

The District Collector,
Kanyakumari District,
at Nagercoil.

+1 CC to SPL GP (SR-3362[F] dated 04/02/2021)

+1 CC to Mr.V.SASI KUMAR, Advocate (SR-3007[F] dated 03/02/2021)

W.P.(MD)No.19707 of 2020
01.02.2021

VB (11.02.2021) 3P 4C

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