



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.9371 of 2018

Mariammal

.. Petitioner

Vs.

1. The District Collector,
Pudukottai District,
Pudukottai.
2. The District Manager,
TASMAC Limited,
Pudukottai.
3. The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.
4. The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
5. Ramanathan,
Supervisor,
TASMAC Shop No.6706,
Manamelkudi to Avudaiyar Koil Road,
Pudukottai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 3 to close down the TASMAC Shop No.6706 situated at Gandhi Nagar, Manamelkudi to Avudaiyar Koil Road, Pudukottai District.

For Petitioner	:	Mr. T. Lenin Kumar
For Respondents	:	Mr. A.K. Manikkam
		Standing Counsel for Government
		For R1, R3 and R4
		Mr. A. Arumugam
		For R2 and R5



ORDER

[Order of the Court was made by
The Hon'ble Chief Justice]

The petitioner complains of a Tasmac shop which has been opened up at a residential area in Gandhi Nagar, Manamelkudi, Avudaiyar Kovil Road in Pudukottai District.

2. The petitioner apparently sent a representation along with other local residents, but the appropriate authorities appear not to have paid any heed to the same.

3. Ordinarily, Tasmac, which is a government organisation, is not expected to open a shop without meeting the guidelines pertaining thereto. Further, the revenue authorities, particularly the District Collector, is entitled to look into any grievance in such regard and any infraction of the law pertaining to where shops may be set up or run.

4. It may not be necessary to go into the disputed facts that naturally arise as a result of the petitioner's complaint. In the interest of all concerned, it would be best if the District Collector looked into the matter and dealt with the same in accordance with law.

5. Accordingly, W.P.(MD) No.9371 of 2018 is disposed of by permitting the petitioner herein to carry a fresh representation to the District Collector, Pudukottai detailing the reasons for Tasmac Shop No.6706 in Gandhi Nagar, Manamelkudi, Avudaiyar Koil Road to be shut down. Such representation may be made within two weeks from date, whereupon the District Collector will consider the matter in accordance with law and afford both the petitioner and Tasmac or the private parties running the shop a reasonable opportunity of being heard before taking a final decision. It is needless to say that the District Collector's order must be speaking and the same should be communicated to both the petitioner and the Tasmac authorities, including the private parties who may be running the shop within eight weeks of the receipt of the petitioner's representation. W.M.P. (MD) No.8650 of 2018 is closed.

6. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



1. The District Collector,
Pudukottai District,
Pudukottai.
2. The District Manager,
TASMAC Limited,
Pudukottai.
3. The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.
4. The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
5. Supervisor,
TASMAC Shop No.6706,
Manamelkudi to Avudaiyar Koil Road,
Pudukottai District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-24697[F] dated 30/07/2021)

+1 CC to M/s.GP (SR-24919[F] dated 02/08/2021)

W.P.(MD) No.9371 of 2018
29.07.2021

ES (CO)
LR (09.08.2021) 3P 8C