



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.07.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.21425 of 2017

WEB COPY

Iyyapazham

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The District Manager,
(TASMAC),
Konam, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to issue necessary direction to the 2nd respondent to run the TASMAC Shop No.4804 in Re.Sy.No.289/13, situated in Kattuvelai at Mondaikadu Village, Kalkulam Taluk, Kanyakumari District, on the basis of the petitioner representation, dated 06.11.2017.

For Petitioner : Mr.D.Christenson Jugunu
For Respondent-1 : Mr.P.Thilak Kumar
Govt.Advocate
For Respondent-2 : Mr.B.Jameal Arasu

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, to direct the 1st respondent to issue necessary direction to the 2nd respondent to run the TASMAC Shop No.4804 in Re.Sy.No.289/13, situated in Kattuvelai at Mondaikadu Village, Kalkulam Taluk, Kanyakumari District, on the basis of the petitioner representation, dated 06.11.2017.

2. The case of the petitioner is that the petitioner owned 40 cents of land and building, bearing Door No.8/181/3, situated in Re-sy No.283/13, situated at Kattuvelai Mondaikadu Village, Kalkulam Taluk, Kanyakumari District. The said property was handed over to the 2nd respondent on rental basis, to run the TASMAC Shop, bearing No.4804. The 2nd respondent has opened the TASMAC Shop on 12.05.2017. The TASMAC Shop, which is situated in Udayarvelai near to National Highway, was shifted to the petitioner property and without any hindrance, the said shop is situated at far away from the Mondaikadu more than 3 K.M., away, as per the guidelines of the Hon'ble Supreme



Court. The residents from the said Village demanded for closure of the shop and as per the instructions of the first respondent, the shop was temporarily closed and the rent was pending from 2017 onwards.

3. The learned counsel appearing for the petitioner would submit that the petitioner is deprived of his income and therefore, he had given a representation to the respondents along with necessary documents, in person, on 02.10.2017 and also sent representation through registered post. Even after the receipt of the said representation, the 1st respondent has not considered the same so far and therefore, the petitioner has come forward with the present Writ Petition.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner's representation dated 06.11.2017 will be considered within the time frame to be stipulated by this Court.

5. The Court heard the submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. The learned counsel appearing for the petitioner would submit that though the petitioner has come forward with a larger prayer, seeking a direction to the first respondent to issue necessary direction to the 2nd respondent to run the TASMACH Shop No.4804 in Re.Sy.No.289/13, situated in Kattuvilai at Mondaikadu Village, Kalkulam Taluk, Kanyakumari District, the petitioner has now confined his prayer only to the extent of considering his representation, dated 06.11.2017, within the time frame to be stipulated by this Court.

7. Accordingly, the 1st respondent is directed to dispose of the representation of the petitioner, dated 06.11.2017, on merits, and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Needless to say that the petitioner shall enclose the copy of the representation along with the copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

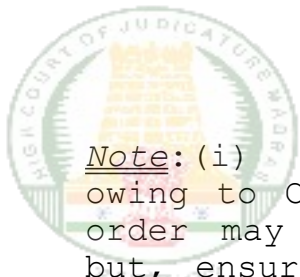
Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: (i) 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,
Kanyakumari District,
Nagercoil.

2.The District Manager,
(TASMAC),
Konam, Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-21498[F] dated 07/07/2021)

**W.P (MD) No.21425 of 2017
06.07.2021**

NS (CO)
TR(13.07.2021) 3P 4C