



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.NO.432 OF 2022

The District Manager,
Tamil Nadu State Marketing Corporation Limited
(TASMAC),
Tiruppur District.

.. Appellant/2nd Respondent

Vs

1. Sudha

.. Respondent/Petitioner

2. The District Collector,
Tiruppur District.

3. The Commissioner of Police,
Tiruppur City, Tiruppur District.

4. The Tahsildar,
Tiruppur North Taluk,
Tiruppur District.

.. Respondents 2 to 4/Respondents 1, 3 & 4

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 28.06.2021 in W.P.No.959 of 2021.

Prayer in W.P.No.959 of 2021:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in N.A. 12711 / 2020 / CUS - 2 dated 29.12.2020 and quash the same and further forbear the Responsdents 1 and 2 from relocating TASMAC Shop No. 19871 from the Petitioners Building bearing SF No. 167/2C, Murugampalayam, Verappandi village, Tiruppur City Municipal City Corporation, Tiruppur South Taluk, Tiruppur District.



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For the Appellant : Mr.K.Sathish Kumar
For the Respondent : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.2 to 4

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This writ appeal has been filed to challenge the judgment of the learned Single Judge dated 28.06.2021 limited to the imposition of cost on the appellant, whose action was not even under challenge.

2. It is the case where the appellant-TASMAC allotted a shop to be run in the premises of the writ petitioner/non-appellant. The permission for it was given by the District Collector, Tiruppur and after running the shop for three months, the District Collector has passed an order for closure of the shop. The order of the District Collector was challenged by the writ petitioner/non-appellant, as the shop was not opened in violation of any of the provisions and cannot be closed only on the ground of the objection by the people in the vicinity. In any case, according to the appellant, the cost could not have been imposed by the learned Single Judge, as it was the action of the District Collector and not of the appellant to close the shop. They are still willing to continue the shop in the premises and even otherwise, the judgment of the learned Single Judge is challenged by the writ petitioner/non-appellant by maintaining an appeal, which is pending.

3. The writ appeal is pressed limited to the imposition of cost. We find reason to relax the cost and for that no notice is required to be sent to any of the parties because cost has been imposed against the appellant and otherwise, the writ petitioner/non-appellant has also challenged the order of the learned Single Judge. Thus, keeping in mind the aforesaid, the part of the judgment imposing cost of Rs.25,000/- on the appellant is set aside and the writ appeal is allowed to the extent indicated above. However, the writ petitioner/non-appellant is permitted to seek revival of this appeal by making an application, if she remains aggrieved by this order. There



will be no order as to costs. Consequently, C.M.P.No.3197 of 2022 is closed.

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Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Tiruppur District.
2. The Commissioner of Police,
Tiruppur City, Tiruppur District.
3. The Tahsildar,
Tiruppur North Taluk,
Tiruppur District.

W.A.No.432 of 2022

BR(CO)
RLP(11/03/2022)