



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.5135 OF 2022

&

WMP.NO.5238 OF 2022

Kumar

.. Petitioner

vs

1. The District Collector, Salem
District, Salem.
2. The Sub-Collector/Revenue
Divisional Officer, Mettur
Revenue Division, Mettur Dam-1,
Salem District.
3. The District Manager, Tamil Nadu
Marketing Corporation Ltd.,
TASMAC, Salem District,
Santhiyur, Salem-636203.
Salem District.
4. The Inspector of Police,
Mecheri Police Station, Mecheri.
636453. Mettur Taluk, Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents and their subordinates from establishing/running the Tasmac shop at Arikoundanoor, Thethigiripatti village, Mettur Taluk, Salem District and consequently direct the 1st Respondent to consider the objections of the villagers dated 03.2.2022.



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For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.P.Muthukumar,
State Government Pleader
for R1, R2 and R4

Mr.K.Satish Kumar,
Standing Counsel for R3

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Mr.P.Muthukumar, learned State Government Pleader accepts notice for respondents 1, 2 and 4. Mr.K.Satish Kumar, learned Standing Counsel accepts notice for the third respondent.

2. We have heard the learned counsel appearing for the respective parties.

3. The writ petition has been filed on the presumption that a TASMACH shop would be opened in the agricultural field without an order to that effect.

4. The learned Standing Counsel appearing for the third respondent submits that no such proposal has been sent to the District Collector concerned for grant of permission for opening of a TASMACH shop in the land in question. Rather, the process requires not only the proposal, but also inspection of the site by the office of the District Collector and only thereafter, permission would be granted.

5. In view of the submissions made by the learned Standing Counsel appearing for the third respondent, we find that the writ petition is premature and has been filed based on assumptions and presumptions, as there is no such process for opening of a TASMACH shop in the land in question.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

RS



To:

1. The District Collector, Salem District, Salem.
2. The Sub-Collector/Revenue Divisional Officer,
Mettur Revenue Division, Mettur Dam-1,
Salem District.
3. The District Manager, Tamil Nadu Marketing
Corporation Ltd., TASMAC, Salem District,
Santhiyur, Salem-636203. Salem District.
4. The Inspector of Police, Mecheri Police Station,
Mecheri. 636453. Mettur Taluk, Salem District.

+1cc to the Government Pleader, S.R.No.15830

WP.No.5135 of 2022 &
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VBM(CO)
RLP(16/03/2022)