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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7020 of 2022

R.Kulandaivel

...Petitioner

Vs.

1.The District Collector,
Erode District,
Erode.

2.Revenue Divisional Officer,
Erode,
Erode District.

3.The District Manager,
Tasmac Limited,
Bhavani main road,
Sooriyampalayam (P.O)

4.The Inspector of Police,
Modakurichi Police Station,
Erode District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents and their subordinates from running the TASMAC shop at irrigated agricultural land in R.S.No.104/4, Patta No.852, Punchai Lakkapuram Village, Modakkurichi Taluk, Erode District based on the petitioner's representation dated 28.02.2022.

For Petitioner : Mr.A.Kumaraguru

For Respondents : Mr.G.Nanmaran
Special Government Pleader
Mr.M.K.Sathish Kumar
Standing Counsel (for R.3)



ORDER

The petitioner has filed this petition to forbear the respondents and their subordinates from running the TASMAL shop at irrigated agricultural land in R.S.No.104/4, Patta No.852, Punchai Lakkapuram Village, Modakkurichi Taluk, Erode District based on the petitioner's representation dated 28.02.2022.

2. Mr.G.Nanmaran, learned Special Government Pleader takes notice for the first and second respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the agricultural land comprised in R.S.No.103/1, vide Patta No.852, situated at LBP Punchai Lakkapuram Village, and the petitioner is using the said land for agricultural purpose. However, a TASMAL Wine Shop vide Shop No.3855 was opened adjacent to the petitioner's land. The persons who purchase the liquor, using the agricultural land as bar, creating nuisance and disturbing the petitioner from doing agricultural activities. Hence, for removal of the TASMAL Wine Shop, petitioner had made a representation on 28.02.2022 to the first and third respondents. However, till date no action has been taken by the respondents. Hence, the present Writ Petition has been filed by the petitioners for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court may direct the respondents to consider the petitioner's representation dated 28.02.2022 and pass appropriate orders within the time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents submits that the petitioner's representation dated 28.02.2022 will be considered by the respondents within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 28.02.2022, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

tri/nhs
To

1.The District Collector,
Erode District,
Erode.

2.Revenue Divisional Officer,
Erode,
Erode District.

3.The District Manager,
Tasmac Limited,
Bhavani main road,
Sooriyampalayam (P.O)

4.The Inspector of Police,
Modakurichi Police Station,
Erode District.

+1 CC to Mr.A.Kumaraguru, Advocate sr 20267
+1 CC to The Government Pleader sr 20621.

W.P.No.7020 of 2022

PMK (CO)
SP(12/04/2022)