



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.8618 of 2022
and W.M.P.No.8548 of 2022

S.Vasanth Kumari

... Petitioner

Vs.

1.The Managing Director,
TASMAC Limited,
Thalamuthu Natarajan Building,
4th Floor, CMDA Tower-II,
Egmore, Chennai-600 008.

2.The District Manager,
TASMAC Limited,
Coimbatore District.

3.The Assistant Commissioner,
Exercise Tax Department,
Collectorate, Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents not to shift the TASMAC Shop No.1892 from the petitioner's land comprised in S.F.No.505/1, Vettaikaranpudur Village, Anamalai Taluk without following due process of law by considering the petitioner's representation dated 11.03.2022.

For Petitioner : Mr.M.N.Balakrishnan

For R1 and R2 : Mr.Sathish Kumar

Standing Counsel for TASMAC

For R3 : Mr.S.Ravichandran

Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents not to shift the TASMAC Shop No.1892 from the petitioner's land comprised in S.F.No.505/1, Vettaikaranpudur Village, Anamalai Taluk without following due process of law by considering the petitioner's representation dated 11.03.2022.

2. The learned Government Advocate takes notice to the respondents. In view of the limited relief sought for in these



petitions and on the consent of the learned counsel appearing on either side, these petitions are taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the property in S.F.No.505/1, Vettaikaranpudur Village, Anamalai Taluk. The 2nd respondent entered into lease agreement on 09.09.2021 for putting up a TASMAL Shop in the petitioner's agricultural land. However, the TASMAL Shop No.1892 is shifted to some other land without issuing notice to the petitioner. Hence, the petitioner made representation on 11.03.2022 to the 3rd respondent, not to shift the said TASMAL shop. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

4. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues a direction to the 3rd respondent to consider the petitioner's representation dated 11.03.2022 and pass orders within the time frame that may be stipulated by this Court.

5. The learned Standing Counsel for the TASMAL Limited submitted that the petitioner has to make representation to the District Collector, who is the competent authority for granting license, and re-location.

6. In view of the above, the petitioner is directed to submit application before the District Collector within a period of two weeks from the date of receipt of a copy of this order. If such representation is made, the District Collector is directed to consider the same and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and to the aggrieved parties, if any, within a period of twelve weeks thereafter.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Psa
To

1.The Managing Director,
TASMAL Limited,
Thalamuthu Natarajan Building,
4th Floor, CMDA Tower-II,
Egmore, Chennai-600 008.



2.The District Manager,
TASMAC Limited,
Coimbatore District.

3.The Assistant Commissioner,
Exercise Tax Department,
Collectorate, Coimbatore.

+1 cc to Mr.M.N.Balakrishnan, Advocate Sr.NO. 24055

+1 cc to Government Pleader Sr.NO. 24280

W.P. No.8618 of 2022

pl(CO)

A.SK(26/04/2022)