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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.7887 of 2022
and
W.M.P.No.7890 of 2022

R.Ashokan

... Petitioner

Vs.

1. The District Manager - TASMAC,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai South District,
Industrial Estate,
Ambathur, Chennai.
2. Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC) rep by its Managing Director,
Thazhamuthu Natarajan Building,
Gandhi Irvin Road, Egmore,
Chennai - 600 008.
3. The Senior Regional Manager,
Tamil Nadu State Marketing Corp. Ltd., (TASMAC),
No.735, LLA Building 4th Floor,
Anna Salai, Chennai - 600 002.
4. The District Collector,
Chennai District, Singaravelar Maligai,
Rajaji Street, Chennai - 600 001.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents their men and people or subordinates, or any others claiming through them from in any manner either attempting, or locating or installing any Tasmac shop either with or without bar in and around or particularly at Door No.222, Bhuvaneshwari, Nagar, 3rd Main Road, Velacherry, Chennai - 600 042.



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For Petitioner : Mr.S.Balasubramanian

For R1 to R3 : Mr.P.Arumugaraja
Standing Counsel

For R4 : Mr.M.Muthusamy
Government Advocate

O R D E R

The prayer sought for herein is for a Writ of Mandamus to forbear the respondents their men and people or subordinates, or any others claiming through them from in any manner either attempting, or locating or installing any TASMAC shop either with or without bar in and around or particularly at Door No.222, Bhuvaneshwari, Nagar, 3rd Main Road, Velacherry, Chennai - 600 042.

2. The petitioner is a resident at Door No.66/62, Venkateswara Nagar, 3rd Main Road, Velacherry, Chennai - 600 042. Just behind his property, in the property located at No.222, Bhuvaneshwari Nagar, 3rd Main Road, Velacherry, Chennai - 600 042, the respondent TASMAC has proposed to locate a TASMAC Retail Vending Shop shortly.

3. If that retail vending shop of IMFL by the TASMAC is located therein, it will harm the habitation in that locality including the petitioner. Therefore, the petitioner had given objection by way of a representation dated 21.03.2022 to the respondents including the 4th respondent/District Collector, Chennai. However, the said representation so far has not been considered. Therefore, the petitioner has approached this Court by way of filing the present writ petition.

4. Heard Mr.S.Balasubramanian, learned counsel appearing for the petitioner, who having reiterated the above, would seek indulgence of this Court to issue a suitable direction to the respondents.

5. Heard Mr.P.Arumugaraja, learned Standing Counsel appearing for respondents 1 to 3/TASMAC and also Mr.M.Muthusamy, learned Government Advocate appearing for the 4th respondent, who would submit that already an inspection has been conducted by the TASMAC, where there has been no violation of Rule. Despite that, since an objection has been filed by the petitioner on behalf of the local people on 21.03.2022, the same shall be considered only by the 4th respondent/District Collector as per the amended Rule.



6. Therefore, the said representation would be considered by the 4th respondent and decision thereon would be taken on merits and in accordance with law.

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7. In view of the said submissions made by both sides, having regard to the said facts of the case and considering the nature of the prayer sought for herein, this Court is inclined to dispose of this Writ Petition with the following orders:

That there shall be a direction to the respondents especially the 4th respondent/ District Collector, Chennai to consider the objection/representation of the petitioner dated 21.03.2022 and after giving an opportunity of being heard to the petitioner or any other person on behalf of the local people, who have similar objections, the 4th respondent shall pass orders on the proposed location of the TASMAC shop within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/sp

To

1. The District Manager - TASMAC,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai South District, Industrial Estate,
Ambathur, Chennai.
2. Tamil Nadu State Marketing Corporation Ltd.,
(TASMAC) rep by its Managing Director,
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3. The Senior Regional Manager,
Tamil Nadu State Marketing Corp. Ltd., (TASMAC),
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4. The District Collector,
Chennai District, Singaravelar Maligai,
Rajaji Street, Chennai - 600 001.

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+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.22605
+1cc to the Government Pleader, S.R.No.22678

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NSK/19/05/2022