



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM :

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

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.13845 of 2022

M.S.Ramasamy

.. Petitioner

Vs

1.The District Collector,
Ariyalur District,
Ariyalur-621 704.

2.The Managing Director,
TASMAC, CMDA Tower-2,
4th Floor, Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.

3.The Revenue Divisional Officer,
Udayarpalayam Division,
Udayarpalayam,
Ariyalur District-621 804.

4.The Tahsildar (Excise),
Udayarpalayam Taluk,
Udayarpalayam,
Ariyalur District-621 804.

5.The District Manager,
Tamilnadu State Marketing Corporation
(Retail Sales) TASMAC
Perambalur,
Perambalur District-621 212.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to remove the TASMAC IMFL Shop No.6468 located in agricultural land bearing Survey No.40, Veerareddy Street, Thazhuthazhaimedu



Village, Udayarpalayam Taluk, Ariyalur District in accordance with law within a time frame manner fixed by this Court as per the representation of the petitioner and villagers dated 21.04.2022.

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For the Petitioner : Mr.P.Venkatesan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 3

ORDER

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

This writ petition has been filed to seek a direction for removal of the TASMAL IMFL Shop No.6468 located in the agricultural land bearing Survey No.40 of Thazhuthazhaimedu Village, Udayarpalayam Taluk, Ariyalur District.

2. It is alleged that the TASMAL IMFL Shop No.6468 is existing in the agricultural land going against the provisions of law and, therefore, an order be passed to remove it, as permission should not have been granted by the competent authority.

3. Learned Government Pleader appearing for the respondents 1 to 3 submitted that a remedy of appeal is available to the petitioner to challenge the permission to operate the TASMAL IMFL shop and otherwise it is not operating in violation of the provisions of law. There is nothing on record to show that the land in question is agricultural land.

4. We have considered the submissions made by learned counsel for the parties and also perused the materials available on record.

5. We find that a remedy of appeal exists against the order granting permission to run TASMAL IMFL Shop, where the factual issue so also the violation of any provision of law can be decided. No justification and/or exceptional circumstance has been shown to file the writ petition, despite availability of a statutory remedy of appeal.



6. Accordingly, the writ petition is dismissed with liberty to the petitioner to avail the remedy of appeal, if he is aggrieved by the permission to operate the TASMAL IMFL Shop in the land in question. There will be no order as to costs. Consequently, W.M.P.No.13120 of 2022 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

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Ariyalur-621 704.
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Perambalur District-621 212.

+1 cc to Mr.J.Selvarajan, Advocate Sr.NO. 38169
+1 cc to Government Pleader Sr.NO. 3880

W.P.No.13845 of 2022

ad(CO)

A.SK(28/06/2022)