



WEB COPY



W.P.No.14970 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.06.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.14970 of 2022

K.A.Kanagaraj

... Petitioner

Vs

1.The District Collector
Salem District,
Salem.

2.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd,
4th Floor, Thalamuthu Nadarasan Maligai,
Egmore, Chennai – 8.

3.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd,
No.56, Brindavan Road,
Fairlands,
Salem – 636 106.

4.The District Manager,
Tamil Nadu State Marketing Corporation Ltd,
87/5, Sandiyur Village,
A.Attaiyampatti Village,
Salem – 636 203.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to remove and vacate the TASMALC shop Nos.7123 and 7479, located at No.168-7 and 168-6, Erumapalayam Road, Seelanaickanpatty, Salem D.T, from the petitioner's premises, based upon his representation dated 11.05.2022.



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For Petitioner : Mr.M.Manimaran
For Respondents : Mr.R.Siddharth
Government Advocate for R1
Mr.K.Satheesh Kumar
Standing Counsel for R2 to R4.

ORDER

Mr.R.Siddharth, learned Government Advocate accepts notice for R1 and Mr.K.Satheesh Kumar, learned Standing Counsel accepts notice for R.2 to R4. Both are armed with instructions to proceed with the matter finally even at the stage of admission. Hence, by consent of all learned counsel, this Writ Petition is disposed finally even at this stage.

2. The petitioner is the owner of the premises at Nos.168-7 and 168-6, Erumapalayam Road, Seelanaickanpatty, Salem D.T, which has been leased out to the Tamil Nadu State Marketing Corporation Limited (TASMAC) for locating wine shop Nos.7123 and 7479 (shops in question). The shops are running in the aforesaid premises for more than 10 years.

3. While this is so, the petitioner is now of the view that he does not wish to continue leasing the premises to the respondents and has sought a mandamus in this writ petition seeking a direction to the respondents to remove the shops in question, based upon his representation dated 11.05.2022.

4. This Court is not in position to grant a positive direction for removal of the shops, seeing as the same are being run pursuant to an agreement entered



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into between the petitioner and TASMAC and for this reason, it would be more appropriate for the petitioner to pursue his representation before the authorities and obtain orders in negotiation with them.

5. Learned Standing Counsel for the TASMAC would accede to the position that the representation of the petitioner dated 11.05.2022 has, indeed, been received and is under active consideration.

6. In such circumstances, it would suffice that a direction is issued to R1 to hear the petitioner as well as R4 and take a decision on the request of the petitioner made under representation dated 11.05.2022, within a period of eight (8) weeks from today, in accordance with law.

7. This writ petition stands disposed in the above terms. No Costs.

16.06.2022

nst

Index : Yes / No

Speaking Order / Non Speaking Order



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Dr.ANITA SUMANTH,J.

nst

To

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