



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. [MD]No.786 of 2022

D.Dinakaran

: Petitioner

Vs.

1. The District Collector,
Tenkasi District.

2. The District Manager,
TASMAC, Tenkasi District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus by directing the respondents 1 and 2 to consider the petitioner's representation dated 30.09.2020 in connection with the usage of the petitioner's property which is situated at D.No.4/253, Main Road, Pudhupatti Village, Alankulam Taluk, Tenkasi District for the purpose of running the shop under their control as decided earlier, as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.N.Balasubramanian

For Respondent : Mr.C.Satheesh,
Government Advocate for R1
Mr.S.Ramakrishnan
for Mr.R.Jameel Arasu for R2

O R D E R

Mr.N.Balasubramanian, learned counsel on record for writ petitioner, Mr.C.Satheesh, learned Government Advocate who has accepted notice on behalf of first respondent and Mr.S.Ramakrishnan, learned counsel representing Mr.R.Jameel Arasu, learned Standing Counsel for TASMAC who has accepted notice on behalf of second respondent are before this virtual Court.

2. In the course of the hearing, it was brought to the notice of this Court by the respondents that the second respondent has sent a proposal dated 08.12.2021 to the first respondent and the first respondent vide communication dated 14.12.2021 has sought for further details. This means that the possibility of opening TASMAC shop No.10803 in the petitioner's property is under consideration.

3. Learned counsel for writ petitioner sought permission to withdraw the captioned writ petition, but made a request to make it clear that this withdrawal will not come in the way of respondents



taking a decision. This request is acceded to.

4. It is made clear that the question of the rights of the writ petitioner in cases of this nature are left open and this Court has not expressed any view or opinion on the rights of the writ petitioner in cases of this nature in this order. It is left open for being decided in other matters where a legal tussle in this regard becomes imperative for deciding the matter.

5. Captioned writ petition is dismissed as withdrawn albeit leaving it open to the respondents to take a decision and making it clear that this withdrawal will neither impede nor provide impetus qua the respondents taking a decision one or the other regarding opening TASMAC shop No.10803 in writ petitioner's property. Writ petition is dismissed as withdrawn in the above said manner. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn

To

1. The District Collector,
Tenkasi District.
2. The District Manager,
TASMAC, Tenkasi District.

+1 CC to M/s.SPL.GP (SR-2033[F] dated 21/01/2022)

W.P.[MD]No.786 of 2022
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