



W.P(MD) No.15224 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**W.P.(MD) No.15224 of 2022
and W.M.P.(MD) Nos.10905 & 10906 of 2022**

M.George

... Petitioner

-VS-

1.The Chairman,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower – II, IV Floor,
Gandhi-Irwin Bridge Road,
Egmore, Chennai.

2.The Managing Director,
Tamil Nadu State Marketing Corporation Limited,
CMDA Tower – II, IV Floor,
Gandhi-Irwin Bridge Road,
Egmore, Chennai.

3.The District Manager,
Tamil Nadu State Marketing Corporation Limited,
IMFS Depot, Bethel Nagar,
Senbagaramanputhur Aaralvaymozhi,
Thovalai Taluk, Kanniyakumari District.

4.The District Collector,
Nagercoil, Kanniyakumari District.

... Respondents



W.P(MD) No.15224 of 2022

PRAAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to impugned order passed by the fourth respondent in his proceeding number Roc.R5/19058/2021 dated 12.12.2021, and quash the same as illegal and consequently to direct the respondents to close the Tasmac shop in shop No.4817 at Nambaali Street Aatrupuram, Nithiraivilai Post, Vilavankode Taluk, Kanniyakumari District.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

For Respondents : Mr.B.Jameel Arasu,
Standing Counsel for R1 to R3
Mr.A.K.Manikkam,
Special Government Pleader for R4

ORDER

(Made by P.N.PRAKASH, J.)

Challenging the order dated 12.12.2021, passed by the District Collector, Kanyakumari District, in which, the TASMAC shop No.4817 has been ordered to be run in a building owned by one Thiru.Rajendra Kumar in Door No.6-33D, Nithiravilai, Ezhudesam B Village, Killiyoor Taluk, the present public interest litigation has been filed.



W.P(MD) No.15224 of 2022

2. Heard the learned counsel for the petitioner, who fairly brought to the notice of this Court that, earlier, the proposal to establish a TASMACH shop in that place was challenged by one Devaraj Seetha Padmanabhan in a public interest litigation in W.P.(MD) No.4064 of 2020, in which, this Court had appointed Mr.Shanmugaraja Sethupathi, Advocate, to inspect the spot and submit a report as to whether the proposed location of the TASMACH shop was within the prohibited distance from school, college, places of worship, etc; the Advocate Commissioner inspected and submitted the report that the proposed location does not violate any Rule; recording the same, W.P.(MD) No. 4064 of 2020 was dismissed on 08.03.2021; only thereafter, the District Collector has passed the impugned order. Learned counsel for the petitioner further contended that the womenfolk demonstrated against the location of the TASMACH shop and that was published in the local newspapers also.

3. To be noted, in the absence of any violation of statutory rules, this Court cannot interfere in such matters merely based on the sentiments of people.



W.P(MD) No.15224 of 2022

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4. In such view of the matter, we find no merit in this writ petition.

Accordingly, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

[P.N.P., J.] [R.H., J.]
15.07.2022

Index : Yes / No

Internet : Yes / No

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Nagercoil, Kanniyakumari District.



W.P(MD) No.15224 of 2022

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pkn

W.P.(MD) No.15224 of 2022

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