



W.P.MD.No.23740 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.23740 of 2022

S.Sharmila

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The District Revenue Officer
cum Senior Zonal Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Trichy.

3.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Trichy-620 015. ... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd Respondent to implement the order passed by the 2nd Respondent through his proceedings in Na.Ka.No.C.V 5-1/1078/2022 dated 23.08.2022 passed in connection with the shifting of TASMAC Shop No.10253 in property situated in No.4, Akash Tower, 100 Feet Road, Annamalai Nagar, Trichy, as expeditiously as possible to the petitioner.

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For Petitioner : Mr.Balumahendran

For Respondents : Mr.M.Prakash [R1]
Additional Govt. Pleader
Mr.S.Sivanesan [R2 and R3]
Standing Counsel

ORDER

The Writ petition is filed praying for a Writ of Mandamus directing the 3rd Respondent to implement the order passed by the 2nd Respondent in Na.Ka.No.C.V.5-1/1078/2022 dated 23.08.2022 passed in connection with the shifting of TASMACH Shop No.10253 in property situated in No.4, Akash Tower, 100 Feet Road, Annamalai Nagar, Trichy.

2. The petitioner is a owner of the property situated in No.4, Akash Tower, 100 Feet Road, Annamalai Nagar, Trichy. While the petitioner was in occupation of the premises, the 3rd Respondent expressed interest in setting up a liquor shop in the said premises. Pursuant thereto, an inspection was carried out and a rental agreement was also executed and thereafter a TASMACH Shop No.10253 has been running in the said premises for over 11 years now.



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3. It is submitted by the learned counsel for the petitioner that the building suffered damages and it is in a dilapidated condition and requires immediate attention/ repair. In view of the same, the petitioner approached the 3rd Respondent to vacate the premises, however, there was no response. On 09.05.2022, a representation was sent to the 3rd Respondent to handover the premises by vacating the TASMACH Shop, however, the said representation did not evoke any response.

4. It is further submitted by the learned counsel for the petitioner that the 2nd Respondent vide communication dated 18.08.2022 directed the 3rd Respondent to consider the representation. In response to the communication dated 18.08.2022, the 2nd Respondent vide its communication dated 23.08.2022 had requested the 2nd Respondent to find an alternative place to accommodate the TASMACH Shop, however as there is no progress the petitioner has filed this writ petition praying for a Writ of Mandamus to direct the 3rd Respondent to shift the TASMACH Shop No. 10253 from the premises situated in No.4, Akash Tower, 100 Feet Road, Annamalai Nagar, Trichy, as expeditiously as possible.



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5. The learned counsel for the Respondents would submit that they would examine the above request of the petitioner and take proper steps to relocate the shop as expeditiously as possible. An affidavit was filed to the said effect by the 3rd Respondent, the relevant portions of which is extracted hereunder:

"

7. I submit that the owner of the premises i.e. The Petitioner herein has sought repossession of the said premises in order to carry out remedial construction measures on the building premises. The TASMAC Corporation is presently on the look out for another suitable premises for shifting the said shop in TASMAC Shop No. 10253 and prays for 3 months time to find a suitable alternate and shift the shop....."

6. Accordingly, this writ petition is disposed of with a direction to 2nd and 3rd Respondents to examine the request of the petitioner and take appropriate steps and ensure that the undertaking filed in Court is complied,

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within a period of 3 months from the date of receipt of a copy of this order.

There shall be no order as to costs.

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Index: Yes/No

Speaking order: Yes/No

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To:

1.The District Collector,Trichy District, Trichy.

2.The District Revenue Officer
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Tamil Nadu State Marketing Corporation (TASMAC),
Trichy.

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MOHAMMED SHAFFIQ, J.,

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