



W.P.(MD)No.27383 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.27383 of 2022

Apparaj

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tenkasi District.

2.The District Manager,
Tamilnadu State Marketing Corporation
Limited, (TASMAC),
Tirunelveli District.

3.The Assistant Commissioner,
Prohibition and Excise Department,
District Collector Campus,
Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to close the TASMAC shop No.10741 which is being run by the 2nd Respondent herein in petitioner's building having Door No.10/21, Lakshmipatti, Perumpathu Village, Tenkasi District and by considering the petitioner's representation dated 01.11.2022 within the time stipulated by



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this Court.

For Petitioner :Mr.K.Rajesh
For Respondents :Mr.M.Ramesh
Government Advocate for R1 & R3
:Mr.S.Sivanesan
Standing Counsel for R2

ORDER

The present writ petition is filed directing the Respondents to close the TASMACH shop No.10741, which is being run by the 2nd respondent herein in petitioner's building, by considering the petitioner's representation dated 01.11.2022.

2.1. It is submitted that the petitioner is the absolute owner of the premises bearing Door No.10/21 Lakshmiipatti, Perumpathu village, Tenkasi District. The District Manager, TASMACH/2nd Respondent herein has inspected his premises on his own and being satisfied that the petitioner's premises was suitable for locating a TASMACH shop, held negotiations with him with regard to terms and conditions of rent and there after instructed the petitioner to construct the building so as to be fit enough to start the TASMACH shop. Based on such instructions, the petitioner had given No



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Objection Certificate to the 2nd respondent on 20.12.2018 so as to run the TASMAC shop in the above premises. By following the procedures and on the basis of the report given by the 2nd Respondent, the District Collector has conducted the inspection of the said premises through his inspection team, and being satisfied issued proceedings in Na.Ka.No.X4/809/2019 dated 16.02.2019 whereby granted permission to run the TASMAC shop in the above premises. Based on such proceedings issued by the District Collector, Thirunelveli in turn the 2nd Respondent issued proceedings in Na.Ka.No.R4/2616/18 dated 18.02.2019 for running the TASMAC shop in the above premises.

2.2. It is submitted that as stated above, even though the 2nd Respondent as per the terms and conditions of lease agreed to pay the monthly rent regularly for use and occupation of the petitioner's premises, did not pay any rent from the date of inception as a tenant itself, causing severe financial loss and mental agony. It is further submitted that the petitioner has borrowed huge amounts and spent the same for renovating the building to make it suitable for running the tasmac shop only at the request



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of the 2nd respondent and thus due to non payment of rent the petitioner is put to severe mental agony.

2.3. In the above circumstances, the petitioner approached the 2nd respondent seeking for closure of the Tasmac shop No.10741, situated at Door No.10/21, Lakshmipatti, Perumpathu village, Tenkasi District, vide representation dated 01.11.2022.

3. The learned Government Advocate, appearing on behalf of the Respondents 1 and 3 submits that the above representation dated 01.11.2022 would be considered and orders passed on merits and in accordance with law.

4. Though there is a reference to a civil suit filed by one Muthukumar, this Court is not inclined to express any view on the same or its bearing on the petitioner's representation, which shall be decided in accordance with law.



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5. Considering the limited scope of the prayer sought for in this writ petition, there shall be a direction to the 1st & 2nd Respondents herein to consider the representation of the petitioner, dated 01.11.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner and other stake holders / interested parties including Muthukumar if found / deemed necessary. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the respondents to consider the same on its own merits.

6. With the above direction, this writ petition stands disposed of.

No costs.

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Index : Yes / No
Speaking Order/Non Speaking Order

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MOHAMMED SHAFFIQ, J.,

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