



W.P.No.2426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM :

The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2426 of 2023
and
W.M.P. No.2519 of 2023

N. Chakiravarthy

.. Petitioner

VS

1. The District Collector,
Kallakurichi District.

2. Managing Director,
TASMAC Ltd.,
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore,
Chennai - 600 008.

3. The Senior Regional Manager,
TASMAC Ltd.,
District Collector Office,
Old Building,
First Floor,
DRO Chamber,
Trichy - 1.

4. The Assistant Commissioner (Excise),
Prohibition and excise department,
District Collectorate,
Kallakurichi District - 606 401.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying

to issue a writ of Mandamus, directing the respondents to consider petitioner's representations dated 23.2.2022, 1.4.2022 and 15.11.2022 consequently direct the respondents not to start TASMACH shop from S. No.46/11C, 1B in Vadachettiananthal, Kallakurichi District.

For Petitioner	:	Mr.S.N. Subramani
For Respondents	:	Mr.T.K. Saravanan, Government Advocate for R1 Mr.K. Sathish Kumar, Standing counsel for TASMACH for R2 to R4

ORDER

By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Mr.T.K. Saravanan, learned Government Advocate accepts notice for the 1st respondent and Mr.K. Sathish Kumar, learned Standing Counsel accepts notice for the respondents 2 to 4.

3. The grievance of the petitioner in this writ petition is that there is a proposal by the respondents to start a TASMACH shop in Survey No.46/11C, 1B in Vadachettiananthal, Kallakurichi District and in



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which event, the petitioner, who is a resident of the said area and others will be put to lot of inconvenience as the proposed TASMACH shop will cause a public nuisance. The petitioner has given representations on 23.02.2022, 01.04.2022 and 15.11.2022 to the respondents requesting them not to start the TASMACH shop in the aforementioned place. Since the representations have not been considered till date, he has filed this writ petition.

4. Heard Mr.S.N. Subramani, learned counsel for the petitioner, Mr.T.K. Saravanan, learned Government Advocate for the 1st respondent and Mr.K. Sathish Kumar, learned Standing Counsel for the respondents 2 to 4.

5. Learned Standing Counsel for the respondents 2 to 4 would submit on instructions that as on date, no approval has been granted by the competent authority for starting a TASMACH shop in the aforementioned place. The said statement is recorded.

6. No prejudice would be caused to the respondents, if the petitioner's representations as stated supra are considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the 1st respondent to



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pass final orders on merits and in accordance with law on the petitioner's representations, dated 23.02.2022, 01.04.2022 and 15.11.2022 requesting the respondents not to start the TASMALC shop at Survey No.46/11C, 1B in Vadachettiyananthai, Kallakurichi District, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.02.2023

Index:Yes/No
Neutral Citation:Yes/No
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To
1. The District Collector,
Kallakurichi District.

2. Managing Director,
TASMALC Ltd.,
CMDA Tower-II, IV Floor,
Gandhi Irwin Bridge Road,
Egmore,
Chennai - 600 008.

ABDUL QUDDHOSE, J.



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3. The Senior Regional Manager,
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4. The Assistant Commissioner (Excise),
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