



WEB COPY



W.P.No.32239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32239 of 2023

P.Lakshmanamurthy

...Petitioner

Vs

1. The District Collector
Coimbatore District
Coimbatore
2. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Rep. By its Managing Director
Gandhi Irwin Road
Egmore, Chennai – 600 008
3. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Rep. By its Senior Regional Manager
Coimbatore Region
Coimbatore
4. The Tamil Nadu State Marketing
Corporation Limited (TASMAC)
Rep. By its District Manager (North)
Coimbatore District
Coimbatore

...Respondents



W.P.No.32239 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forthwith consider the representation of the petitioner dated 29.05.2023 and consequently forbear the respondents from locating the TASMAL Wine Shop in the Agricultural Lands in Survey No.200/2 at Pillayappanpalayam Village, Annur-via, Coimbatore District.

For Petitioner : Mr.K.Selvaraj

For R1 to R5 : Mr.L.Surendran
Additional Government Pleader for R1

Mr.K.Sathish Kumar
Standing Counsel for R2 to R4

ORDER

Heard Mr.K.Selvaraj, learned counsel for the petitioner, Mr.K.Surendran, learned Additional Government Pleader for first respondent and Mr.K.Sahtish Kumar, learned Standing Counsel for Respondents 2 to 4.

2. The petitioner herein had given a representation to the respondents on 29.05.2023 to not to locate the TASMAL Wine Shop in



W.P.No.32239 of 2023

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Survey No.200/2, Pillayappanpalayam Viilage, Pachapalayam Main Road. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 29.05.2023, on its own merits and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and



W.P.No.32239 of 2023

that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

09.11.2023

Index:Yes/No

Speaking order/Non-speaking order

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Note: Issue order copy on 10.11.2023.



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M.S.RAMESH,J.

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W.P.No.32239 of 2023

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