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W.P.No.1268 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.1268 of 2021

E.Anandan,
S/o.Erusan

... Petitioner

Vs.

1.TASMAC Limited,
Represented by its Managing Director,
4th Floor, CMDA Tower,
Egmore, Chennai – 600 008.

2.The District Collector,
Villupuram District,
Villupuram.

3.The District Manager,
TASMAC, Villupuram,
Villupuram.

4.The Assistant Commissioner (Excise),
Villupuram District,
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution for issuance of a Writ of Mandamus, to direct the respondents to reopen the TASMAC shop No.11587 in the premises situated in Survey No.162/2 at Siruvadi (Murukeri) Village, Marakkanam Taluk, Villupuram District.



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For Petitioner : M/s.Nair P.Sridevi Pradeep
for Mr.K.Balaji

For Respondents :
For R1 and R3 : No appearance

For R2 and R4 : Mr.P.Ananda Kumar
Government Advocate

ORDER

The writ petition is of the year 2021.

2. The petitioner is the owner of the property measuring an extent of 200 sq.ft., in S.No.162/2 situated at Siruvadi (Murukeri) Village, Marakkanam Taluk, Villupuram District. The aforesaid property was taken on rent by the petitioner from the third respondent. In connection with the aforesaid property, the petitioner claims to have spent money. It is further submitted that the third respondent shifted the TASMACH Shop No.11857 in the above property on 12.12.2016 and from the date of shifting, the shop was running without any disturbances or hindrance to the students, devotees and the general public.



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3. It is submitted that the President of Murukeri Village and the Murukeri Traders Association have also issued No Objection Certificate for running a TASMAC shop in the petitioner's premises.

4. It is the case of the petitioner that one Tamilarasan has filed a writ petition before this Court alleging that the petitioner's premises and some other four shops in Villupuram District are situated very close to the highway and therefore they should be closed. It is further submitted that the TASMAC shop was put up after conducting field visit and inquiry by the concerned authority and the shop is situated 264 meters (865 feet) away from the highway and therefore, there is no merits in the closure of the TASMAC shop.

5. That apart, the learned counsel for the petitioner has drawn attention to a communication/report dated 22.11.2019 of the third respondent wherein, the third respondent has agreed to restore the shop, however, no action has been taken.



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6. It is noticed that there are several decisions by the Hon'ble Supreme

Court that have been passed regarding shops nearing highway.

7. Under these circumstances, I am inclined to dispose this writ petition by directing the third respondent to take a decision in the light of the report of the third respondent and in the light of the decisions of the Hon'ble Supreme Court rendered in this context. This exercise shall be carried out by the third respondent within a period of four weeks from today.

8. This Writ Petition stands disposed of with the above observations. No costs.

08.08.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

WEB COUNCIL

- 1.TASMAC Limited,
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- 2.The District Collector,
Villupuram District,
Villupuram.
- 3.The District Manager,
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C.SARAVANAN, J.



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