



W.P.(MD)No.4119 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.4119 of 2024

and

W.M.P.(MD)Nos.3986 and 3988 of 2024

P.Ganesh

... Petitioner

versus

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Senior Divisional Manager/
District Revenue Officer,
Tamilnadu State Marketing
Corporation Ltd.,
Anna Nagar,
Madurai.

3. The District Manager,
Tamilnadu State Marketing
Corporation Ltd.,
Tirunelveli District,
Tirunelveli.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in his proceedings in Na.Ka.COLR/14598/2023/S1 dated 25.01.2024 and quash the same as devoid of merits and consequently, direct the respondents not to disturb the functioning of TASMACH shop No.10902 at D.No.14/35-2, Thiraviyam Nagar, Thippanampatti Village, Tenkasi Taluk & District based on the petitioner's representation dated 16.02.2024.

For Petitioner : Mr.Ananth C.Rajesh
For R1 : Mr.A.Baskaran,
Additional Government Pleader
For R2 and R3 : Mr.S.Sivanesan,
Standing Counsel

ORDER

The petitioner is the owner of the building and he has leased out the same to the 3rd respondent for conducting a TASMACH shop. By the impugned order dated 25.01.2024, the first respondent/the District Collector, Tenkasi, has granted permission to shift the TASMACH shop from the petitioner's building to another place. Challenging the same, the present writ petition has been filed.



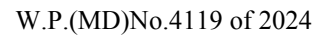
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WEB COPY 2. The learned counsel for the petitioner submits that the impugned order is arbitrary and the reasons stated therein are very baseless and this order has been passed at the instance of the 3rd respondent.

3. The learned Standing Counsel appearing for TASMAL submits that as there is a leakage in the roof and the petitioner is having a poultry farm adjacent to the TASMAL shop, which causes health hazard to their customers, the TASMAL has taken a decision to shift the shop from the petitioner's building to another place.

4. This Court considered the rival submissions made.

5. The petitioner has entered into a lease agreement with the 3rd respondent in the year 2017 and pursuant to the same, a TASMAL shop has been established in the petitioner's premises. According to the



6. Accordingly, this writ petition is dismissed. No costs. Frequently, connected miscellaneous petitions are closed.

23.02.2024

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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