



W.P(MD)No.21171 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P(MD)No.21171 of 2024

and

W.M.P(MD)No.17935 of 2024

Rajkumar

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Managing Director,
Tamil Nadu State Marketing Corporation (TASMAC),
Gandhi Irvin Road, C.M.D.A Tower-2,
4th Floor, Egmore,
Chennai-600 008.

3.The Senior Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai-625 020.

4.The District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Mullipadi,
Dindigul-624 005.

5.The Division Excise Officer (Spl Tahsildar, Kalal),
Dindigul East Taluk Office,
Dindigul District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent not grant any permission to shift the Tasmac shop No.3163 situated in Survey Nos.446, 447, 448/5 at Door No.3/B-1, Nilakottai Taluk, Dindigul District from shift to Survey No.468/2 Ward No.9, Door No.77D/1 Bathalagundu Main Road, Nilakottai Taluk, Dindigul District based on the petitioner's representation, dated 06.08.2024 within a specific period as fixed by this Court and pass such any or other orders as this Court.

For Petitioner : Mr.S.Balaji

For R-1 & R-5 : Mr.J.K.Jayaselan
Government Advocate

For R-2 to R-4 : Mr.H.Arumugam
Standing Counsel

ORDER

The present Writ Petition is filed for Mandamus seeking a direction to the first respondent not to grant any permission to shift the Tasmac shop No. 3163 situated in Survey Nos.446, 447, 448/5 at Door No.3/B-1, Nilakottai Taluk, Dindigul District from to Survey No.468/2 Ward No.9, Door No.77D/1 Bathalagundu Main Road, Nilakottai Taluk, Dindigul District, based on the petitioner's representation, dated 06.08.2024.



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2. It was submitted by the learned counsel for the petitioner that the petitioner was residing in Old Survey No.468/2 and New Survey No.468/2A situated at Nilakottai, Dindigul. Originally, the petitioner's father purchased the above mentioned property and thereafter, his father executed a Will in favour of the petitioner on 16.04.2001. The petitioner executed two gift deeds in favour of his wife, dated 28.03.2003 and 16.06.2003. Both were registered at Nilakottai Sub-Registrar Office. In the meantime, one Mageshwari, Chitra and her son Parthiban created a forged document. Thereafter, the petitioner's wife filed a civil suit in O.S.No.58 of 2007 and obtained declaration and injunction on 25.10.2010.

3. It is further submitted that the fourth respondent transferred the Tasmac Shop No.3163 to Survey No.468/2 and without any valid document for ownership, Parthiban and Mageshwari have given their consent to the fourth respondent. Hence, the petitioner submitted a detailed representation dated 06.08.2024 to the respondents not to grant any permission to shift the Tasmac shop No.3163 situated in Survey Nos.446, 447, 448/5 at Door No.3/B-1, Nilakottai Taluk, Dindigul District to Survey No.468/2, Ward No.9, Door No.



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77D/1, Bathalagundu Main Road, Nilakottai Taluk, Dindigul District. Since the said representation was not considered, the present Writ Petition is filed.

4. At the outset, it is submitted by both the learned Counsel for the respondents 2 to 4 and the respondents 1 and 5 that the above representation would be considered on merits and orders be passed, within a period of four weeks from the date of receipt of a copy of this order after putting the petitioner and other interested parties / stake holders on notice. The learned Counsel for the petitioner acceded to the same.

5. In view of the above and taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the respondents herein to consider the petitioner's representation dated 06.08.2024, on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner and other interested persons/stake holders, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation.



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6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

04.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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MOHAMMED SHAFFIQ, J.

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