



W.P.(MD).No.30363 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.30363 of 2024
and
W.M.P.(MD).No.25539 of 2024

J.C.Bilkhan,
President,
Vilavoor Town Panchayat,
Kanyakumari District.

... Petitioner

Vs.

1.The Managing Director (TASMAC),
Tamil Nadu State Marketing Corporation,
CMDA Building, Tower-II,
Gandhi Irwing Bridge,
Egmore, Chennai.

2.The District Collector,
Kanyakumari District,
Nagercoil – 629 001.

3.The Assistant Commissioner,
Prohibition and Excise,
Collectorate, Nagercoil,
Kanyakumari District.

4.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Konam, Nagercoil,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to shift the TASMACH Shop No.4818 which is situated in Azhakiamandapam - Thiruvattar Road from the present place to any other place, dated on 15.10.2024.

For Petitioner : Mr.S.Xavier Rajini
For R-1 & R-4 : Mr.S.Sivanesan
Standing Counsel
For R-2 & R-3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed for Mandamus to direct the respondents to shift the TASMACH Shop No.4818, which is situated in Azhakiamandapam - Thiruvattar Road from the present place to any other place by considering the petitioner's representation dated 15.10.2024.

3. The petitioner herein had given a representation to the respondents on 15.10.2024, to shift the TASMACH Shop No.4818 situated in Azhakiamandapam - Thiruvattar Road from the present place to any other place. Since the said representation was not considered, the present Writ Petition has been filed.



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4. 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 him 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.

5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 15.10.2024, in the light of the Sub Collector's report dated 20.03.2023 and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as any other persons, who may be interested in the subject matter, within a period of three (3) months 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 matter and that it is open to the concerned respondents to consider the same on its own merits.



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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.

(M.S.R.,J.) (A.D.M.C.,J.)
16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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