



W.P(MD)No.31579 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2024

CORAM :

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.P(MD)No.31579 of 2024
and
WMP(MD)No.26439 of 2024**

Kumaralingam

... Petitioner

vs.

1. The District Collector,
Office of the Collectorate Building,
Theni District.

2. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
Chennai.

3. The Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Plot No.100, Anna Nagar, Madurai - 20.

4. The Thasildar,
Office of the Tahsildar,
Bodinyakanur Taluk,
Theni District.

5. The District Manager,
TASMAC,
Karuvelnayakkanpatti,
Theni.

... Respondents



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Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to grant permission to commence TASMACH No.8547 situated at Survey No.385/5A1A, Poothipuram Village, Bodinyakanur Taluk, Theni District, by considering the petitioner's representation dated 24.12.2024.

For Petitioner	: Mr.M.Arikaran
For R1 & R4	: Mr.D.Gandhiraj Special Government Pleader
For R2, R3 & R5	: Mr.T.Sivanesan

ORDER

(Order of the Court was made by **P.VELMURUGAN, J.**)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents not to grant permission to commence TASMACH No.8547 at Survey No.385/5A1A, Poothipuram Village, Bodinyakanur Taluk, Theni District, by considering the petitioner's representation dated 24.12.2024.

2. The learned counsel appearing for the petitioner would contend that adjacent to the proposed survey number for opening the TASMACH No. 8547, there is a open Well, Government Ladies Toilet and also a Bus Stop,



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where, everyday about 500 to 1000 persons will board and alight. Therefore, if the TASMAC shop is opened at that place, there will be a chance of disturbance to the public and the drunkards may pollute the Well as well. He further submitted that in the same Poothipuram Village, there are two TASMAC shops within a distance of 250 to 400 meters from the proposed shop and therefore, opening the present TASMAC shop is unnecessary. Hence, he prays to allow the writ petition.

3. However, the learned standing counsel for the TASMAC submitted that the 1st respondent / District Collector has already granted permission to open the abovesaid TASMAC shop.

4. Be that as it may, considering the contentions of the petitioner that in the same locality, already two TASMAC shops are functioning and adjacent to the proposed place, there is a Government Ladies Toilet, Well and also a Bus Stop, we find that the apprehension of the petitioner that there may be disturbance to the public, is well founded.

5. Thus, we allow this Writ Petition and direct the respondents herein not to commence or establish TASMAC No.8547, at Survey No.385/5A1A,



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Poothipuram Village, Bodinyakanur Taluk, Theni District. No costs.

Consequently, connected miscellaneous petition is closed.

(P.V, J.) (M.J.R, J.)
27.12.2024

Index : Yes / No
Neutral Citation : Yes / No
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P.VELMURUGAN, J.
and
M.JOTHIRAMAN, J.

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ORDER MADE IN
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DATED : 27.12.2024