



W.P.(MD)No.10665 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10665 of 2025

Kumutham

... Petitioner

-VS-

1.The District Collector,
Theni District, Theni.

2.The District Manager,
Tamil Nadu State Marketing Corporation (Ltd.,)
TASMAC, IMFS Godown,
Karvelnaickenpatti, Theni District.

3.Radha

4.Prabu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 and their subordinates not to open any new TASMAC Retail Outlet and bar in the agricultural land belonged to the third respondent in Survey No.436/6 at Mayiladumparai Village, Aundipatti Taluk, Theni District, considering the petitioner's representation dated 22.03.2025.



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For Petitioner : Mr.J.Lawrence

For R1 : Mr.J.K.Jayaselan
Government Advocate

For R2 : Mr.S.Sivanesan
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 and their subordinates not to open any new TASMAL Retail Outlet and bar in the agricultural land belonged to the third respondent in Survey No.436/6 at Mayiladumparai Village, Aundipatti Taluk, Theni District, considering the petitioner's representation dated 22.03.2025.

2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. Since no adverse orders are going to be passed against the respondents 3 and 4, notice to the respondents 3 and 4 is hereby dispensed with.



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4. Seeking a direction not to open any new TASMACH Retail Outlet or bar in the agricultural land belonging to the third respondent, situated in Survey No. 436/6 at Mayiladumparai Village, Aundipatti Taluk, Theni District, the petitioner has submitted a representation dated 22.03.2025. As the said representation has not been considered till date, the petitioner has filed the present Writ Petition.

5. Heard both sides.

6. 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 India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated



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22.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, the respondents 3 and 4, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also 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 first respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

21.04.2025

Index : Yes / No

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To:-

1.The District Collector,
Theni District, Theni.

2.The District Manager,
Tamil Nadu State Marketing Corporation (Ltd.,)
TASMAC, IMFS Godown,
Karvelnaickenpatti, Theni District.



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VIVEK KUMAR SINGH, J.

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