

W.P.(MD)No.31524 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.31524 of 2024

and

W.M.P.(MD)No.26408 of 2024

S.Aruljothi

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation,
TASMAC,
CMDA Tower – 11, 4th Floor,
Egmore,
Chennai – 8.

2.The Senior Regional Manager,
TASMAC,
19, 30.IP, Gandhi Nagar,
Ponnagar, Trichy – 620 001.



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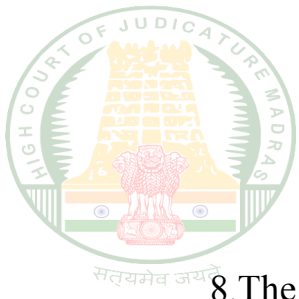
3.The District Collector,
Collectorate,
Pudukkottai.

4.The District Superintendent of Police,
O/o. The District Superintendent of Police,
Collectorate,
Pudukkottai District.

5.The District Manager,
TASMAC,
Sipcot,
Pudukkottai.

6.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Keeranur,
Kulathur Taluk,
Pudukkottai District.

7.The Tashildar,
Taluk Office,
Kulathur Taluk,
Pudukkottai District.



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8.The Executive Officer,
Keeranur Town Panchayat,
Keeranur,
Pudukkottai District.

9.The Sub Inspector of Police,
Keeranur Police Station,
Keeranur, Kulathur Taluk,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 9 to take appropriate action to close the bar operating the TASMAL retail shop No.6546 and remove the encroachment on the pathway in SF.No. 858/10 of Keeranur, Pudukkottai District and thereby ensure the Public to use the public pathway without any hindrance and consequently shift the TASMAL from the present place to some other suitable place by considering the petitioner representation dated 29.10.2024.

For Petitioner : Mr.A.Arul Jenifer

For Respondents 1 to 3 : Mr.P.Thilak Kumar

Government Pleader



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For Respondent No.4 : Mr.P.Kottaisamy
Government Advocate [Crl. Side]
For Respondent No.5 : Mr.H.Arumugam
Standing Counsel

ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

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

2.This writ petition has been filed for a Mandamus to direct the respondents 1 to 9 to take appropriate action to close the TASMAC retail shop No.6546 and remove the encroachment on the pathway in SF.No. 858/10 of Keeranur, Pudukkottai District and thereby ensure the Public to use the public pathway without any hindrance and consequently shift the TASMAC from the present place to some other suitable place by considering the petitioner representation dated 29.10.2024.



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3.The petitioner herein had given a representation to the respondents on 29.10.2024, in this regard. Since the said representation was not considered, the present writ petition has been filed.

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 to consider the petitioner's representation dated 29.10.2024, on its own merits and pass appropriate orders in accordance with law, 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



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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.

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

[M.S.R.,J.] & [A.D.M.C.,J.]

06.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

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ORDER MADE IN

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