



W.P(MD)No.10266 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.06.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.10266 of 2026

and

W.M.P(MD)Nos.8062 and 8064 of 2026

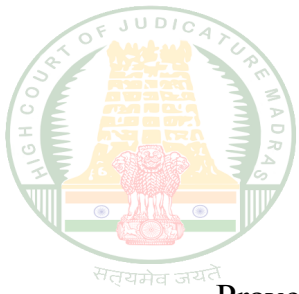
S.Muthaiah

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Anna Nagar,
Madurai.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Munneerpallam,
Tirunelveli District.
4. The Assistant Commissioner (Excise and Prohibition)
TASCO Unit,
Melapalayam,
Tirunelveli - 5.
5. The Divisional Excise Officer,
Cheranmahadevi,
Tirunelveli District.
6. Bright Chelladurai.

...Respondents



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Prayer: Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent in Na.Ka.Kalal2/167/2026 dated 13.3.2026 and quash the same.

For Petitioner	: Mr.T.A.Ebenezer
For R1, R4 & R5	: Mr.R.Parthiban Government Standing Counsel
For R2 & R3	: Mr.Sivanesan Standing Counsel
For R6	: Mr.S.Karuppiah

ORDER

The present writ petition is filed challenging the impugned order dated 13.03.2026. By the said order dated 13.03.2026, the TASMAC retail outlet is ordered to be relocated in S.No.1741/3E3B, Door No. 109C/3, Nallasmaariyan Nagar, Kesavaneri Road, Valliyoor Part-1 Village.

2. Upon hearing the learned counsel appearing for the petitioner and upon perusing the materials placed on record, the case of the petitioner is that the subject property originally belongs to him. According to the petitioner, the 6th respondent is wrongly claiming an



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extent of the property, has unauthorisedly put up a construction thereon, and is now attempting to locate a TASMACH shop in the petitioner's property.

3. It is the further case of the petitioner that when the predecessor in title of the 6th respondent purchased the property under a registered Sale Deed dated 04.07.1989, only Survey No.1741/3 was mentioned therein and Plot Nos.13 and 14 of Golden Nagar were not mentioned. However, in a subsequent Sale Deed dated 06.02.2015, when the property was further dealt with by the predecessors in title, the plot numbers came to be mentioned. According to the petitioner, the lands comprising Plot Nos.13 and 14 had in fact already been acquired by the Government under Award No.33 of 2007, and one Ramsingh had also received compensation in respect thereof.

4. Having found no property corresponding to the said plot numbers, the 6th respondent and his predecessors in title are allegedly attempting to identify and lay claim to the petitioner's property. Therefore, according to the petitioner, when the property belongs to him



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and there exists a dispute regarding title thereto, a TASMACH shop ought not to have been located in the said premises. The petitioner would further contend that even earlier, when a third party laid claim to the property, litigation had ensued.

5. In respect of the very same property, in O.S.No..438 of 2022, the petitioner resisted the claim and ultimately the suit came to be dismissed as settled out of Court. Presently, the 6th respondent has also filed O.S.No.145 of 2022, seeking a bare injunction against the petitioner. No interim order has been granted in the said suit and the petitioner is contesting the same.

6. In the above circumstances, the TASMACH shop ought not to have been located in the said premises. The petitioner had also submitted his objections when they were called for. However, according to the petitioner, the District Collector, without properly considering the same, ordered the relocation of the TASMACH shop.



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7. The learned Government Standing Counsel appearing on behalf of the 1st respondent would submit that the claim made by the petitioner relates to intricate questions of title, which the District Collector is not competent to adjudicate. As on date, the 6th respondent claims ownership and possession of the property. A new building has also been constructed by him. The site was inspected and found not to violate any siting criteria. After following the procedure prescribed under the relevant Rules, inviting objections, and considering the same, the relocation of the TASMAC shop was approved. Therefore, the order does not suffer from any infirmity.

8. The learned counsel appearing on behalf of the TASMAC would submit that, on account of the interim order granted by this Court, the shop has not been opened so far.

9. The learned counsel appearing on behalf of the 6th respondent would submit that the claim made by the petitioner is wholly unsustainable. It is contended that the 6th respondent alone is in possession and enjoyment of the property and, therefore, has already instituted a suit for bare injunction, which is presently pending.



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10. I have considered the rival submissions made on either side and perused the materials available on record.

11. Even assuming that all the averments made by the petitioner are true and correct, it is evident that the dispute relates to intricate questions of title. When the 6th respondent claims possession pursuant to a settlement deed, the District Collector cannot be called upon to adjudicate such disputed questions of title. In the absence of any other valid objection regarding the location of the shop, the order permitting its relocation cannot be interfered with.

12. It is always open to the petitioner to contest O.S.No.145 of 2022 filed by the 6th respondent, with or without raising a counterclaim. If any order is passed by the Civil Court in favour of the petitioner, it will be open to him to bring the same to the notice of respondents 1 and 2, who shall thereafter abide by the orders of the Civil Court and take an appropriate decision regarding the continuance of the TASMACH shop at the relevant point of time. As on date, the petitioner has not obtained any



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order from the Civil Court and is only asserting a claim. Therefore, I am not inclined to sustain the objection raised by the petitioner, though Courts would ordinarily be inclined to entertain objections regarding the establishment of TASMAC retail shops.

13. In view of the above, while keeping open the liberty of the petitioner to contest the pending suit or to institute an appropriate suit for declaration of title, the relief sought for in the present writ petition cannot be granted. If the petitioner obtains any interim order or final decree from the competent Civil Court, the same shall be placed before the District Collector, who shall forthwith consider the same and take an appropriate decision in accordance with law regarding the continuance of the TASMAC shop.

14. At this stage, the learned counsel appearing for the petitioner sought seven working days' time to enable the petitioner to move the Civil Court. Accordingly, it is directed that the shop shall be opened only on or after 05.07.2026.



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15. With the above observations and directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Neutral Citation: No
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D.BHARATHA CHAKRAVARTHY, J.

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