



W.P(MD).No.19111 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.19111 of 2022

Rajendran

... Petitioner

Vs.

1.The District Manager,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
Madurai South,
Madurai.

2.The Supervisor,
Tamil Nadu State Marketing Corporation Limited (TASMAC),
TASMAC Shop No.5177,
Kochadai,
Madurai.

3.The District Collector,
Madurai.
(R3 is suo motu impleaded vide
Court order, dated 22.08.2022)

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to vacate the TASMAC Shop No.5177 in the petitioner's property situated at Door No.325, Melakkal Main Road, Kochadai, Madurai pursuant to the communication sent by the first respondent in Na.Ka.No.21/5177/2018/n, dated 27.12.2021, forthwith, and hand over to the petitioner.



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W.P(MD).No.19111 of 2022

For Petitioner : Mr.S.Poornachandran
For R1 & R2 : Mr.H.Arumugam
Standing Counsel
For R3 : Mr.S.Kameswaran

ORDER

In continuation and conjunction with the earlier order passed by this Court, dated 22.08.2022, the following order is passed:

“Mr.H.Arumugam, learned Standing Counsel takes notice for the respondents 1 and 2 and Mr.S.Kameswaran, learned Government Advocate takes notice for the third respondent.

2. The grievance of the petitioner is that the petitioner is a landlord in Door No.325, Melakkal Main Road, Kochadai, Madurai, in which TASMAL Shop No.5177 is situated. The petitioner now intends to deal with the property. Hence, he sent a representation on 24.12.2021 to the first respondent to shift the shop. The first respondent in his communication in Na.ka.No.21/5177/2021/n, dated 27.12.2021 informs that normally it takes six months time for shifting the shop, since it needs approval from the District Collector, Madurai, after sending a proposal. The first respondent informed the petitioner that by six months time, the shop will be shifted.

3. The learned counsel for the petitioner submits that now it is more than six months and so far the respondents have not taken any steps to shift the shop.

4. The learned Standing Counsel for the respondents 1 and 2 submits that the first respondent found an alternative site, got the concurrence from the shop owner and thereafter, collecting documents, sent proposal to the District Collector, Madurai on 18.05.2022. Once approval and consent obtained from the District Collector, Madurai, the shop will be shifted from the petitioner's premises. The proposal is pending before the District Collector, Madurai from 18.05.2022 for the past three months.



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W.P(MD).No.19111 of 2022

5. In view of the same, this Court suo motu impleads District Collector, Madurai as the third respondent. Registry is directed to carryout necessary amendments in the cause title.

6. Post the matter on 30.08.2022.”

2. The learned Government Advocate for the third respondent produced the report of the District Collector, Madurai in Na.Ka.No.29116/2022/X3, dated 30.08.2022. From the report, it is seen that the Assistant Commissioner, Excise in his proceedings in Na.Ka.No.29116/2022/Madhu3, dated 16.08.2022 written to the District Collector, Madurai for shifting of the shop. Since there were some discrepancies found in the report, District Collector, Madurai had sought further clarification. The first respondent by its letter in Na.ka.No.1899/S.N..5177/2022/D, dated 26.08.2022 has submitted the documents and clarified the doubts raised by the third respondent. The third respondent now perused the documents and seeks four weeks time to pass appropriate orders. In any event, the shop would be shifted by four weeks.

3. Considering the submission and on perusal of the materials and also request given by the third respondent that Shop No.5177 would be shifted from the petitioner's premises to an alternative site by four weeks, already steps have been taken.



W.P(MD).No.19111 of 2022

4. Recording the same, the writ petition stands disposed of. No costs.

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30.08.2022

Index : Yes / No
Internet : Yes/ No
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M.NIRMAL KUMAR, J.

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W.P(MD).No.19111 of 2022

W.P(MD).No.19111 of 2022

30.08.2022