



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.9274 of 2023

P.Rajeshkumar

... Petitioner

vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Assistant Divisional Engineer,
National Highways,
Sattur Sub Division, Sattur,
Virudhunagar District.

3.The General Manager,
Virudhunagar District Cooperative Milk
Producers Union Limited,
MaduraiRoad, Menakshipuram P.O.,
Srivilliputhur – 626 125,
Virudhunagar District.

4.Srinivasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein not to grant permission to erect Aavin Parlour shop by totally blocking only pathway access running towards the petitioner's residential



WEB CO

house situated in Door Nos.195, 196, 197, 198 and 199, Main Road (Highways), Sattur, Virudhunagar District based on the petitioner's representation, dated 31.03.2023 within a stipulated time that may be fixed by this Court.

For Petitioner	:Mr.P.Saravanakumar
For R1 and R2	:Mr.N.Muthu Vijayan Special Government Pleader
For R3	:Mr.K.Prabhu
For R4	:No Appearance

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a negative direction, namely, not to grant permission to put up Aavin Parlour shop by blocking the pathway running towards the petitioner's residential house at D.Nos.195, 196, 197, 198 and 199, Main Road (High Ways), Sattur in Virudhunagar District.

2.Heard Mr.P.Saravanakumar, learned Counsel for the petitioner, Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents 1 and 2 and Mr.K.Prabhu, learned Counsel for the third respondent.



3.The petitioner had given a representation on 31.03.2023. When the Writ Petition came up for hearing on 21.04.2023, this Court had directed as follows:

“3.In the meanwhile, the petitioner and the third respondent or any official of the third respondent may inspect the place where the Aavin Parlour is to be put up. The third respondent or the official representing the third respondent may ensure that sufficient pathway is given to the petitioner and there is no complete obstruction. During the said inspection, they may also issue notice for the presence of the fourth respondent.

4. Let a report be filed about such inspection before this Court on 14.06.2023. List the matter on 14.06.2023.”

4.Today, the learned Counsel for the fourth respondent is present and stated that an inspection had been conducted and that the Aavin Parlour would be shifted to a distance of 20 feet. It is also stated that there is no pathway, but that the petitioner had closed the open drainage by putting up slabs and using it as a drainage.

5.Let me not enter into a discussion on all those facts. The relevant portion of the report, which had been forwarded by the General Manager, Virudhunagar District Cooperative Milk Producers Union Limited at Srivilliputhur in Virudhunagar District, are as follows:



“5.4 ஆம் எதிர்மனுதாரர் ஆவின் பாலகம் அமைக்க தேர்வு செய்த இடமானது தனது குடியிருப்பு பாதைக்கு இடையூறு ஏற்படா வண்ணம் நகர்த்தி நிறுவப்படுமேயானால் மனுதாரருக்கு எவ்வித ஆட்சேபனையும் இல்லை என்பது தெரிய வருகிறது.

6.மனுதாரரின் ஆட்சேபனைக்கிணங்க தான் ஆவின் பாலகம் அமைக்க தேர்வு செய்த இடமானது குடியிருப்பு பாதைக்கு இடையூறு ஏற்படா வண்ணம் நகர்த்தி, நெடுஞ்சாலைத்துறை வழங்கிய அனுமதிக்கப்பட்ட மதுரை-கன்னியாகுமரி சாலை (சாத்தூர் நகராட்சி எல்லைக்கு உட்பட) கி.மீ.70/8 (இடதுபுறம்) என்ற கணக்கில் ஆவின் பாலகத்தை அமைத்துக் கொள்ள 4ஆம் எதிர்மனுதாரருக்கு எவ்வித ஆட்சேபனையும் இல்லை என்பதும் தெரிய வருகிறது.□

6.Recording the above that the petitioner's grievances are addressed by shifting of the Aavin parlour to a distance of 20 feet, the Writ Petition stands disposed of. No costs. The fourth respondent may put the Aavin parlour in the aforesaid manner.

Index :Yes / No
Internet :Yes
NCC : Yes/No

15.06.2023

cmr

To

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Assistant Divisional Engineer,
National Highways,
Sattur Sub Division, Sattur,

4/5



Virudhunagar District.

WEB COPY



C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.9274 of 2023

15.06.2023