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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8575 of 2023
and
W.M.P(MD) No.7874 of 2023

A.Sekar ... Petitioner

Vs.

1. The District Collector,
   Kanyakumrai,
   Kanyakumari District.

2. The Sub-Collector,
   Padmanabhapuram,
   Thuckalay,
   Kanyakumari District.

3. The Executive Officer,
   Kallukootam Town Panchayat,
   Kallukootam,
   Kanyakumari District.

4. The Authorized Person,
   JP Motors,
   Yamaha Showroom,
   Suriyanvilai,
   Kalukootam Town Panchayat,
   Colachel Post,
   Kanyakumari District. ... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to forthwith close the two wheeler service station functioning at JP Motors, Yamaha Showroom, Suriyan Vilai, Kallukootam Town Panchayat, Colachel Post, Kanyakumari District, based on the order passed by the second respondent in Se.No.A3/169/2023, dated 20.02.2023.

For Petitioner	: Mr.P.T.Ramesh Raja
For R1 to R3	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R4	: Mr.N.Dilip Kumar

O R D E R

The present writ petition has been filed seeking a Mandamus directing the respondents 1 to 3 to close the two wheeler service station run by the fourth respondent, based on the order passed by the second respondent, dated 20.02.2023.

2. The third respondent has filed a counter affidavit. Paragraph No.8 of the counter affidavit is extracted as follows:

> *"8. I respectfully state that in the meantime, the fourth respondent also informed the 3rd*

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respondent that the fourth respondent has been taking steps to get licenses and permissions from the appropriate authorities and only after getting the license and permissions, the 4th respondent will approach the concerned authorities for getting permission to run two- wheeler service station. Therefore, there is no two-wheeler service in the 4th respondent premises as of now. Hence, the relief sought for by the petitioner has become infructuous and liable to be dismissed."

3. The fourth respondent has filed a counter affidavit. Paragraph No.6 of the counter affidavit is extracted as follows:

"*6. I submit that the contentions of the petitioner in paragraph Nos.3 to 5 of the writ petition that in order to cover up the issue our service station have shown another man's service station which is situated 100 meters away from our JP Motors Service Station and informed the authorities that the oil services are being done by them is completely manipulative and incorrect. After the proceedings of the second respondent in Se.No.A3/169/2023, dated 20.02.2023, we had entered into an agreement with a neighbouring*

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motor company viz., KSV Motors for services on 21.03.2023. Both of us have made entries to the vehicles we handover to them for water and oil services in a ledger we maintain. I am hereby appending the agreement copy and the entries we made during each and every service. There is no such oil spraying service is being done in our service station as the petitioner accuse us of."

4. The primary grievance of the writ petitioner is that the fourth respondent is running water service station as well as oil spraying service, which are likely to cause pollution and cause disturbance to the neighbouring owners. In view of the counter affidavits filed by the respondents 3 and 4, it is clear that the fourth respondent is not carrying out any water service or oil spraying service in the locality. It is made clear that the fourth respondent should not restart water service or oil spraying service without obtaining any prior permission from the competent authorities.

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5. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

20.01.2026

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

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W.P(MD)No.8575 of 2023

20.01.2026

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