

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.34466 of 2015

M.Chandran

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Petitioner

- Vs -

1.The District Collector,
Erode District, Erode.

2.The President cum
Executive Officer,
Kothamangalam Panchayath,
Sathyamangalam Taluk,
Erode District.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings passed in Na.Ka.No.2/2015 dated 16.07.2015 on the file of the 2nd respondent herein, quash the same and consequently direct the 2nd respondent herein to grant permission to the petitioner to run a retail mutton and chicken outlet at No.605, Velliampalayam Pudur, Kothamangalam Panchayat.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mrs.M.E.Rani Selvam,
Addl. Government Pleader for R1
Mrs.P.Rajalakshmi for R2

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The Petitioner applied for permission for running a Chicken stall in his own premises on 04.03.2015, to the second respondent. The said representation was not considered properly. Therefore, the petitioner filed a Writ Petition in W.P.No.11383 of 2015 against the respondents and this Court by an order dated 20.04.2015 directed the second respondent to consider the petitioner's application dated 04.03.2015. Consequently, the

second respondent passed the impugned order. The said order is under challenge before this Court.

3. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner, Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the first respondent and Mrs.P.Rajalakshmi, learned counsel appearing for the second respondent.

4. A perusal of the application filed by the petitioner would reveal that he sought only trade licence for running a chicken stall in his own premises. Hence, the reason given by the second respondent is not sustainable as contrary to the application made by the petitioner. The rules relied upon by the second respondent rejecting the petitioner's application are not applicable to the facts of the case.

5. In view of the same, the impugned order dated 16.07.2015 is set aside and the second respondent is directed to consider and pass appropriate orders with regard to the trade licence of the petitioner for running the chicken stall at his own premises at No.605, Velliampalayam Pudur, Kothamangalam Panchayat, within a period of two weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

rgr

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Erode District, Erode.

2.The President cum Executive Officer,
Kothamangalam Panchayath,
Sathyamangalam Taluk,
Erode District.

+ 1 cc to Mr.K.Govi Ganesan, Advocate SR 59158

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