



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.08.2015**

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WEB COPY

THE HONOURABLE **MR.JUSTICE R.SUBBIAH**

W.P(MD) .No.15302 of 2015

and

M.P(MD) No.1 of 2015

Smt.Mohammed Fathima

...Petitioner

Vs.

1.The Assistant Director,
Agricultural Department (Quality Control),
Tirunelveli - 627 002.

2.The Sub-Collector,
Sub-Collector Office,
Cheranmahadevi,
Tirunelveli District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent herein to remove the seal and open the retail fertilizer shop in Door No.9, Main Road, Ambasamudram, Tirunelveli District and permit the petitioner to clear available fertilizers in the shop in view of the proceedings of the 1st respondent in A6 /1213/15, dated 20.06.2015 within a time stipulated by this Court.

For petitioner : Mr.D.Nallathambi

For Respondents : Mr.M.Murugan,

Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent herein to remove the seal and open the retail fertilizer shop in Door No.9, Main Road, Ambasamudram, Tirunelveli District and permit the petitioner to clear available fertilizers in the shop in view of the proceedings of the 1st respondent in A6 /1213/15, dated 20.06.2015 within a stipulated time.

2. Mr.M.Murugan, learned Government Advocate takes notice for



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

4. The case of the petitioner is that the husband of the petitioner got licence to run retail fertilizer shop for the period 2013-2016 and while running the retail fertilizer shop in Door No.9, Main road, Ambasamudram, Tirunelveli District, the husband of the petitioner died. As per the Rules and Regulations, the petitioner cannot continue the sale of fertilizers with the licence granted to her husband. As per the personal law, the petitioner observed "IDHAT" and abstained from normal life for four months and ten days. During that period, as there are no valid documents, the licence granted in favour of the petitioner's husband in CR.No.1261/TNI/R/2013-16, was cancelled by the first respondent on 12.06.2015 and the shop was also sealed. Hence, the petitioner made a request to the respondents to remove the seal and permit the petitioner to utilize the available stock for her personal use. As per the request, the first respondent herein passed an order in proceedings No.A6/1213/15, dated 20.06.2015 and permitted the petitioner to utilize the available stock for personal use and a recommendation was also sent to the second respondent to remove the seal in the shop. Even thereafter, the seal was not removed. Hence, the petitioner made a representation to the second respondent on 10.08.2015 to remove the seal. The said representation was not considered so far. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that the petitioner is not interested in running the business and the present Writ Petition has been filed only to remove the seal of the shop and permit the petitioner to utilize the available stock for her personal use.

6. In view of the limited scope of the prayer sought for in the Writ Petition, the second respondent is directed to remove the seal and open the retail fertilizer shop in Door No.9, Main Road, Ambasamudram, Tirunelveli District, so as to enable the petitioner to remove the available stock in the shop, within a period of three days from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/



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To

1.The Assistant Director,
Agricultural Department (Quality Control),
Tirunelveli - 627 002.

2.The Sub-Collector,
Sub-Collector Office,
Cheranmahadevi,
Tirunelveli District.

+1 CC TO MR.D.NALLATHAMBI, ADVOCATE SR NO.50251
+1CC TO SPECIAL GOVERNMENT PLEADER SR NO.50381

W.P (MD) .No.15302 of 2015
31.08.2015

RG.08.09.2015/GSR/PM/SAR-I 3P/5C.