



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.(MD)No.3853 of 2015 and M.P.(MD)Nos.1&2 of 2015

Sharmila Banu

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Corporation,
Madurai Corporation, Corporation Office,
Madurai.

3.The Divisional Engineer,
Highways (C&M), Madurai.

4.The Commissioner of Police,
Madurai City, Madurai.

5.The Inspector of Police,
K.Pudur Police Station,
K.Pudur, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent No.2 in Ma2A5/02121/2015 dated 13.03.2015 and quash the same and consequently forbearing the respondents, their officials, subordinates and servants to disturb or interfere with the petitioner's business at No.1A/1, Azhakar Kovil Main Road, K.Pudur, Madurai by considering the petitioner's representation dated 13.03.2015.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondent-1

: Mr.S.Chandrasekar, GA.

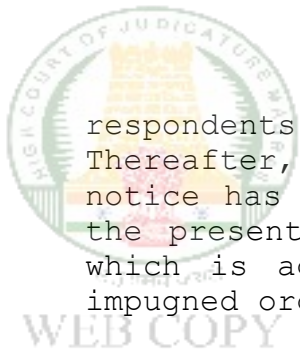
For Respondent-2

: Mr.R.Murali

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent No.2 in Ma2A5/02121/2015, dated 13.03.2015 and quash the same and consequently, forbearing the respondents, their officials, subordinates and servants to disturb or interfere with the petitioner's business at No.1A/1, Azhakar Kovil Main Road, K.Pudur, Madurai, by considering the petitioner's representation dated 13.03.2015.

2. According to the learned counsel appearing for the petitioner, the petitioner is a licensee to run a Fish Stall, under the name and style of 'Beema Fish Stall' from 2010 onwards and he is running the business without any intervention to the public or traffic. Earlier, the petitioner has filed a Writ Petition in W.P.(MD)No.8881 of 2010 before this Court and this Court vide order dated 02.03.2011, directed to the



respondents therein to consider the representation of the petitioner. Thereafter, the petitioner filed a civil Suit in O.S.No.82 of 2015 and notice has been ordered in the said Suit. According to the petitioner, the present impugned order has been passed, without any notice to him, which is against the principles of natural justice and therefore, the impugned order is not correct.

3. Mr.R.Murali, the learned Standing Counsel appearing for the Corporation would submit that earlier the petitioner filed a Writ Petition in W.P.(MD)No.10376 of 2011, challenging the order dated 09.09.2011, refusing to grant licence. That Writ Petition was disposed of by this Court, by observing that there is an appeal provision against that order and directed the petitioner to approach the appellate authority. According to the respondents, he did not approach the appellate authority but according to the petitioner he approached the appellate authority and no order has been passed.

4. Be that as it may, the main contention of the Corporation is that the present impugned order is not in any way connected with the petitioner and only granted permission to the Police, to erect the Police Booth, admittedly, in a place owned by the Government. Therefore, the petitioner cannot have any grievance. Even otherwise, once there is no licence allotted to the petitioner to run the business in a particular place, the petitioner has no *locus standi* for filing the writ petition. The impugned order has been passed by the Assistant Commissioner, Madurai Corporation, permitting the Inspector of Police, K.Pudur, to put up the police booth and therefore, the petitioner cannot have any *locus standi*.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. At the outset, the petitioner says that he is a licensee for running the business. The Corporation has produced the order, dated 15.09.2011, passed by this Court in W.P.No.10376 of 2011, which categorically stated that the licence was cancelled in the year 2011 and this Court directed the petitioner to approach the appellate authorities concerned. Though the petitioner submit that he has approached the appellate authorities, he has not produced any document in support of his contention, but instead, he has filed a civil suit. In fact, earlier, he filed another writ petition in W.P.(MD)No.388 of 2012 praying not to disturb his possession. In this case also, the writ petition was dismissed as withdrawn with liberty to the petitioner to approach the authorities concerned. Under these circumstances, since the impugned order is not in any way connected with the petitioner and only granted permission to the Police, to erect the Police Booth, in a place owned by the Government, the petitioner has no *locus standi* to file the present writ petition, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CO)

/True copy/



To

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Corporation,
Madurai Corporation, Corporation Office, Madurai.

3.The Divisional Engineer,
Highways (C&M), Madurai.

4.The Commissioner of Police,
Madurai City, Madurai.

5.The Inspector of Police,
K.Pudur Police Station, K.Pudur, Madurai.

+1cc to MR.S.M.A.JINNAH, ADVOCATE IN SR : 13315

+1cc to MR.R.MURALI, ADVOCATE IN SR : 13687

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 13718

Mpk

SR : 30.03.2015 : 3p/9c

W.P. (MD) No.3853 of 2015
19.03.2015