



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.7389 of 2015

K.M.Mahaboobu Subuhani

:Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District
At Nagercoil.

2.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to permit the petitioner to run the petitioner's Bismi Hotel, situated at 4, NMC Building, Vadasery Nagercoil, during night hours by considering the petitioner's representation dated 23.04.2015.

For Petitioner :Mr.S.Sivakumar

For Respondents :Mr.M.Murugan,
Government Advocate

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to run the petitioner's 'Bismi Hotel', situated at 4, NMC Building, Vadasery, Nagercoil, during night hours, by considering the petitioner's representation dated 23.04.2015.

2. The petitioner is a physically challenged person. He is running a small Hotel business, in the name and style of 'Bismil Hotel' at 4, NMC Building, Vadasery, Nagercoil along with his brother, after obtaining permission from the concerned authorities. The said Hotel is situated nearer to the Kanagamoolam Vadasery Market and near the Vadasery Bus stand. The place is always busy round the clock. Moreover, the Hotel is situated at the edge of the National Highway 47. The labours, who are loading and unloading the goods in the Market, are used to come to have their foods for their need. But the respondent police, all of a sudden, came to the petitioner's Hotel and forced to close the Hotel. Hence, the petitioner made a representation on 23.04.2015, to the respondents, to permit him to run the hotel during night hours. The learned counsel submitted that when the 2nd respondent permitted the other Hotels to run during night hours, he should not apply a different yardstick to the petitioner, as it would amount to unfair treatment.



3. I have heard the submissions made on either side and perused the materials available on record.

4. Considering the facts and circumstances of the case, without going into the merits of the averments made in the petitioner by the petitioner, this Court, directs the respondents to consider the petitioner's representation, dated 23.04.2015, and pass appropriate orders, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion, about the claim made by the petitioner.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Kanyakumari District At Nagercoil.

2.The Inspector of Police,
Vadasery Police Station, Kanyakumari District.

+1cc to MR.S.SIVAKUMAR, Advocate in SR.No. 45351

+1CC THE SPECIAL GOVERNMENT PLEADER, IN SR.NO. 45591

Mpk

SR : 20.08.2015 : 2p/5c

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