



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

C O R A M

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THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) No.18572 of 2016
and
W.M.P. (MD) Nos.13448 and 13449 of 2016

Selvi .. Petitioner

Vs.

1.The Block Development Officer,
Thiruvadanai,
Ramanathapuram District.

2.The Executive Officer,
C.K.Mangalam Village Panchayat,
Thiruvadanai,
Ramanathapuram District.

3.The President,
C.K.Mangalam Village Panchayat,
Thiruvadanai,
Ramanathapuram District.

4.Pandiammal
C.K.Mangalam,
Thiruvadanai,
Ramanathapuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent Nos.2 and 3 to permit the petitioner to run the shop belonging to husband of the petitioner based on the application dated 16.07.2016 and consequently forbear the fourth respondent from interfering with the peaceful running of the shop in the name and style of Siva Hardwares at CK Mangalam Village, Ramanathapuram District.

For petitioner

... Mr.J.Anandkumar

For R1 to R3

... Mr.S.Kumar

Additional Government Pleader

**ORDER**

This is a writ of Mandamus directing the respondent Nos.2 and 3 to permit the petitioner to run the shop belonging to husband of the petitioner based on the application dated 16.07.2016 and consequently forbear the fourth respondent from interfering with the peaceful running of the shop in the name and style of Siva Hardwares at CK Mangalam Village, Ramanathapuram District.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

3. The petitioner's husband was running a hardware shop at CK Mangalam Village from the year 2009 in the name and style of Siva Hardwares. The said shop is registered with the Commercial Tax Department and professional tax and license fee were also paid properly to the third respondent. The petitioner's husband died on 05.04.2016. The fourth respondent, who was working in the said shop, has got the license transferred by taking away all the documents available in the shop. Hence, the petitioner has lodged a complaint in the local police station. As there was no action in the said complaint, she has filed CrI.O.P. (MD) No.11387 of 2016 to register a complaint and by an order dated 12.07.2016, this Court directed the concerned police to register a complaint, if cognizable offence is made out.

4. Thereafter, the petitioner has given a representation dated 22.06.2016, to the respondents 1 to 3 requesting them not to grant license to the fourth respondent and sought for issuance of license in her name by transferring the license which stood in the name of her husband.

5. The learned Additional Government Pleader for the official respondents would submit that no license has been granted in favour of the petitioner's husband and the fourth respondent, who was working under the petitioner's husband also is making rival claim.

6. Though there is a rival claim by the fourth respondent, it is not for the official respondents to reject the claim of the petitioner only on that ground. It is for them to look into the claim of both the petitioner as well as the fourth respondent and to arrive at a just decision.

7. Accordingly, the third respondent is directed to consider the representation of the petitioner dated 22.06.2016, in the light of the legal position, under Section 220 of the Panchayat Services and other provisions within a period of six weeks from the date of receipt of a copy of this order. While making enquiry, opportunity of hearing may also be given to the fourth respondent.



8.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1.The Block Development Officer,
Thiruvadanai,
Ramanathapuram District.

2.The Executive Officer,
C.K.Mangalam Village Panchayat,
Thiruvadanai,
Ramanathapuram District.

3.The President,
C.K.Mangalam Village Panchayat,
Thiruvadanai,
Ramanathapuram District.

+1 cc to M/S.J.ANANDKUMAR, Advocate Sr.No.57701

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SMA/MP/08/08/2016 :3P/5C