



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.21007 of 2016

and

W.M.P. (MD)No.15015 of 2016

T.Murugan

: Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Block Development Officer,
Keelapavoor Panchayat Union,
Keelapavoor,
Tirunelveli District.

3. Kulasekarapatti Panchayat,
Through its Special Officer,
Kulasekarapatti,
Tenkasi Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.Aa3/5012/2011, dated 26.10.2016, quash the same and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.S.Thesigan

For Respondents : Mr.Aayiram K.Selvakumar,
Government Advocate

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner has come up with this Writ Petition challenging the proceedings of the second respondent in Na.Ka.No.Aa3/5012/2011, dated 26.10.2016, wherein the second respondent has directed the petitioner to remove the unauthorized shed put up by him just behind the Aavin Milk Booth in Kamarajar Bus Stand at Kulasekarapatti in Keelapavoor Panchayat Union Limits.



2. According to the petitioner, the Panchayat, by letter dated 08.08.2011, permitted him to run Aavin Milk Booth on the said property for a rent of Rs.500/- per month. Thus, according to the petitioner, it is illegal on the part of the second respondent to direct the petitioner to vacate.

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3. We have considered the above submission. A close reading of the letters dated 08.08.2011 and 26.10.2016 would go to show that as per the letter dated 08.08.2011, the petitioner was permitted to put up only Aavin Milk Booth to sell milk, but, he was not authorized to put up any shed or any other superstructure. The impugned letter dated 26.10.2016 would indicate that quite contrary to the above terms, the petitioner has put up the shed, which, the second respondent has directed to remove.

4. In our considered view, since the petitioner has got no authority to put up any shed, the second respondent was right in directing the petitioner to remove and vacate the shed. Thus, there is no merit in the Writ Petition. The Writ Petition fails and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Block Development Officer,
Keelapavoor Panchayat Union,
Keelapavoor,
Tirunelveli District.
3. The Special Officer,
Kulasekarapatti Panchayat,
Kulasekarapatti,
Tenkasi Taluk,
Tirunelveli District.

+ 1 CC TO Mr.S.S.THESIGAN, ADVOCATE IN SR No. 65645
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 65305

SML

TE/SS-2 : 11/11/2016 : 2P/6C