

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.20889 of 2017

P.Ragupathi,
District President,
Tamil Manila Vivasaya Thozhilalar Sangam,
6/7, Papaya Beemarayar Agraharam,
Dharapuram, Thiruppur District -638 656.
..Petitioner

Vs.

1. The Managing Director
Kovai-Erode District Co-operative
Palm Jaggery sale Sambelanam,
Kunnathur, Thiruppur District.
 2. The Municipal Commissioner,
Dharapuram Municipality,
Dharapuram, Thiruppur District.
 3. The Sub-Collector,
Sub-Collector Office,
Dharapuram, Thiruppur District.
 4. The Divisional Engineer, Construction
& Building Maintenance (Highways),
Dharapuram Division,
Dharapuram, Thiruppur District.
 5. The Sub-Divisional Engineer, Construction & Building
Maintenance (Highways)
Dharapuram Division,
Dharapuram, Thiruppur District.
 6. P.RajendraKumar, ..Respondents
- PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 to 5 to take appropriate action on the representation made by the petitioner dated 20.07.2017 within a time frame fixed by this Honourable Court.

For Petitioner : M/s.L.Parvin Banu

For Respondents : Mr.V.Selvaraj, Additional
Government Pleader for R1 & R3

: Mr.O.Selvam for R2

ORDER:

According to the learned counsel for the petitioner, the petitioner is the President of the Tamil Manila Vivasaya Thozhilalar Sangam, Tiruppur District, which is working for the welfare of the agricultural labourers including palm tree climbers and palm products manufacturers. The first respondent granted permission to the sixth respondent to sell palm products in the shop situated at State Highway, which comes within the limits of the third respondent corporation. As per the conditions stipulated in the permit, the sixth respondent has to sell only palm products like palm sugar, jaggery, chocolates, neera etc. Instead of that, the sixth respondent is selling tea, coffee, mixed rice, snacks, juices, etc. which is against the said conditions. In this regard, the petitioner sent a representation to the first respondent on 20.07.2017. The first respondent ought to have inspected the shop in this regard. But the first respondent sent a communication to the sixth respondent on 27.07.2017 stating that selling such products other than palm will lead to cancellation of the permit. In spite of the first respondent's letter dated 27.07.2017, the sixth respondent is still selling the products other than palm products violating the conditions. Further, the sixth respondent has constructed the shop by extending the area more than the permitted area. The respondents 1 to 5 also have failed to monitor the extension of the shop, which has become hindrance to the traffic. Hence, the petitioner has filed this writ petition before this court.

2. The learned Additional Government Pleader would submit that the first respondent has initiated action on receipt of the representation dated 20.07.2017 made by the petitioner. The first respondent has also sent a communication to the sixth respondent on 27.07.2017. Therefore, if there is any violation of the terms of licence, the first respondent, who is the competent authority shall take action, in accordance with law.

3. By considering the submissions made by the learned counsel for the parties, it is seen from the above said facts that the petitioner made the representation on 20.07.2017 and on receipt of the same, the first respondent passed an order and

the same was communicated to the sixth respondent by directing to sell only palm products. According to the petitioner, even after receiving the said communication, the sixth respondent is continuing to sell other products. In view of the subsequent events that took place, liberty is granted to the petitioner to make a fresh representation to the first respondent. If any such representation is made by the petitioner, the same shall be considered by the first respondent, in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this Order.

4. The writ petition is disposed of with above directions. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director
Kovai-Erode District Co-operative
Palm Jaggery sale Sambelanam,
Kunnathur, Thiruppur District.
2. The Municipal Commissioner,
Dharapuram Municipality,
Dharapuram, Thiruppur District.
3. The Sub-Collector,
Sub-Collector Office,
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4. The Divisional Engineer, Construction
& Building Maintenance (Highways),
Dharapuram Division,
Dharapuram, Thiruppur District.

5. The Sub-Divisional Engineer, Construction & Building
Maintenance
(Highways)
Dharapuram Division,
Dharapuram, Thiruppur District.

+1cc to M/s.Row & Reddy, sr.56749

+1cc to Government Pleader sr.56445

rv(co)
ss(8/8/2017)

W.P.No.20889 of 2017



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