

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

W.P.No.1593 of 2015
and M.P.No.1 of 2015

G. Durairaj

..Petitioner

Vs.

1. The District Collector,
Cuddalore District.
2. The Executive Engineer,
(Building, Construction & Maintenance)
Public Works Department, Cuddalore.
3. The Assistant Executive Engineer,
Sub Division Officer
Building Sub Division & Construction Maintenance
PWD, Virudhachalam - 606 001.
Cuddalore District.
4. The Asst. Engineer,
(Building, Construction & Maintenance)
Public Works Department, Cuddalore.
5. The Tahsildar,
Taluk Office,
Virudhachalam - 606 001.

6. The State Commissioner for Disability
K.K. Nagar, Chennai - 78.

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Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the file Na.Ka. A1/9962/2012 dated 06.05.2013 on the file of 1st respondent and quash the same and permit the petitioner to continue to run Xerox and computer shop within the premises of Virudhachalam Taluk Office Campus.

For Petitioner : Mr. R. Margabandhu

For Respondents : Mr. A.N. Thambidurai,
Special Government Pleader

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner has filed the above writ

petition to issue writ of certiorarified mandamus to call for the records dated 06.05.2013 on the file of the 1st respondent and to quash the same and to permit the petitioner to continue to run xerox and computer shop within the premises of Virudhachalam Taluk Campus.

2.It is the case of the petitioner that he applied to the 2nd respondent for allotment of site for putting up a bunk shop to run computer, xerox and PCO business at Virudhachalam Taluk Office campus. The 2nd respondent has granted permission on 26.04.1999 and since then, he has been running the said shop. Thereafter, the 1st respondent refused to extend the license and passed an order dated 06.05.2013, cancelling the license, against which the petitioner has filed the above Writ Petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner's application along with No Objection Certificate issued by the Tahsildar was produced before the 1st respondent, however, his application was rejected.

4.Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents submitted that the petitioner should obtain No Objection Certificate from the District Collector viz., the 1st respondent and submit his application for extension of the license. Further, the learned Special Government Pleader submitted that only if the application is enclosed along with the No Objection Certificate issued by the District Collector, the application will be processed.

5.The learned Counsel appearing for the petitioner submitted that liberty may be given to the petitioner to file a fresh application along with the No Objection Certificate issued by the 1st respondent .

6.In view of the submissions made by the learned counsel on either side, the impugned order dated 06.05.2013 is quashed and liberty is given to the petitioner to file a fresh application along with the No Objection Certificate issued by the 1st respondent, the District Collector. In the event of the petitioner submitting a fresh application along with No Objection Certificate and other relevant documents, the 1st respondent shall consider the same and pass necessary orders.

7.With these observations, the writ petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

To

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K.K. Nagar, Chennai - 78.
- +1 cc to Mr.R.Margabandhu, advocate, sr.23967
+1 cc to Govt.Pleader, sr.24071.

ev(co)
krd 21/4

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