



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.06.2017
CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

WEB COPY

W.P.(MD) No.11373 of 2017

K.Mariyappan

... Petitioner

-vs-

1. The District Manager,
TASMAC, Tirunelveli.
2. The Superintendent of Police,
Tirunelveli District.
3. The Deputy Superintendent of Police,
Ambasamudram Sub Division,
Tirunelveli District.
4. The Inspector of Police,
Vickramasinga Puram Police Station,
Tirunelveli District.

... Respondents

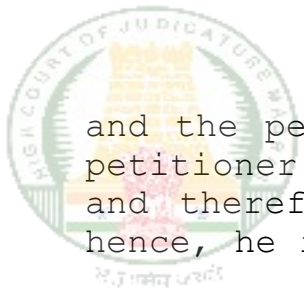
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent Nos.1 to 4 to ensure that the order of the District Collector, Tirunelveli District in Na.ka.X.4/15539/2017 dated 25.05.2017 is implemented in stricto sensu by functioning the Tasmac Shop No.10623 at Door No.1D, Aambur Main Road, Vickramasingapuram Village, Tirunelveli District with sufficient police protection.

For Petitioner	:	Mr.R.Anand
For R1	:	Mr.M.Muniyasamy
For R2 to R4	:	Mr.T.S.Mohammed Mohideen, Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct R1 to R4 to ensure that the order of the District Collector, Tirunelveli District in Na.Ka.X.4/15539/2017 dated 25.05.2017 is implemented in stricto sensu for the functioning of the Tasmac Shop No.10623 at Door No.1D, Aambur Main Road, Vickramasingapuram Village, Tirunelveli District with sufficient police protection.

2. A TASMAC shop was found operating within 500mtrs from the highway and based on the orders passed by the Supreme Court, the said shop was closed and re-located to the place of the petitioner



and the petitioner was given a licence to run the shop. When the petitioner opened the shop, there was an agitation on 26.05.2017 and therefore, the petitioner was not able to run the shop and hence, he is before this Court with the above prayer.

3. It is seen that based on the orders dated 25.05.2017 passed by the District Collector, Tirunelveli, the petitioner has been permitted to run the shop in his place. Learned Additional Government Pleader submitted that because of agitation on 26.05.2017, the Police were not able to give protection to the petitioner.

4. In the considered opinion of this Court, just because of the public agitation, the Police cannot contend that they cannot give protection to the petitioner, who has a valid licence to run the business. Therefore, this Court directs the 4th respondent to give necessary protection to the petitioner for implementing the order dated 25.05.2017 passed by the District Collector, Tirunelveli and also give protection to the petitioner to run the TASMACH Shop No.10623 at Door No.1D, Aambur Main Road, Vickramasingapuram Village, Tirunelveli District.

5. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Tirunelveli District.
2. The Deputy Superintendent of Police,
Ambasamudram Sub Division,
Tirunelveli District.
3. The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.

+1cc to M/S.R.Anand, Advocate SR.No. 61277

+1cc to Special Government Pleader, SR.No. 61206

W.P. (MD) No.11373 of 2017
20.06.2017