



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.13763 of 2017

and

WMP(MD) Nos.10739 to 10741 of 2017

M.Palaniappan

... Petitioner

vs.

1. The District Collector,
Pudukottai District.

2. The Tahsildar,
Pudukottai Taluk,
Pudukottai District.

3. The District Manager,
Tamil Nadu State Marketing Corporation,
Pudukottai.

4. Anaithu Inthiya Jananayaga Maathar Sangam,
Pudukottai, Pudukottai District,
rep.by its District Secretary.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 6.7.2017 of the 2nd respondent in favour of the 4th respondent and quash the same and consequently forbear the respondents 1 to 3 in any manner interfering with the lawful avocation and business of the petitioner in selling eatables and collecting empty liquor bottles in Shop No. 6530 at Annachathiram, Kusalakudi, Arimalam Road, Pudukkottai District.

For Petitioner

: Mr.C.Jeganathan

for Veera Associates

For R1 & R2

: Mr.M.Alagathevan

Special Government Pleader

For R - 3

: Mr.H.Arumugam

O R D E R

This writ petition has been filed seeking to quash the impugned order of the second respondent dated 06.07.2017, passed in favour of the fourth respondent. The petitioner also sought a direction to the respondents 1 to 3, not to interfere with the business of the petitioner in selling eatables and collecting empty liquor bottles in Shop No. 6530 at Annachathiram, Kusalakudi, Arimalam Road, Pudukkottai District.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

3. The case of the petitioner is that the respondents 1 to 3 have established a liquor vending shop in shop No. 6530 during June, 2013 in the above mentioned place, in which, the petitioner was appointed as a licensee for selling eatables and collecting empty liquor bottles from the bar attached to the said shop. The petitioner has been paying the licence fee without any default. While so, the respondents 1 to 3 are trying to shift the shop from the present location to a far away place, at the instance of the fourth respondent. The second respondent also convened a peace committee meeting and passed the impugned order stating that the said shop will be shifted to some other place on or before 31.07.2017. Aggrieved by the same, this Writ petition has been filed.

4. According to the learned counsel for the petitioner, removal of TASMAL shop is not supported by legal principles.

5. On the other hand, the learned Special Government Pleader appearing for the respondents 1 and 2 would submit that due to public protest, the decision to close the shop was made and accordingly, the shop came to be closed. Further, extension of lease was not granted in favour of the petitioner and hence, he has no legs to stand before this Court.

6. Such a stand taken by the learned Special Government Pleader has not been opposed and as on date, the renewal got expired already and hence, the prayer of the petitioner cannot be considered and the writ petition has become infructuous.

7. After elaborate argument, the learned counsel appearing for the petitioner seeks liberty to approach the authorities for appropriate relief. Granting such liberty, this Writ Petition is dismissed as infructuous. No costs. Consequently, WMP(MD) Nos. 10739 to 10741 of 2017 are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1. The District Collector,
Pudukottai District.

2. The Tahsildar,
Pudukottai Taluk,
Pudukottai District.

+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 81566

+ 1 cc TO M/S.Veera Associates , Advocate in SR No. 81551

mj

AE/KK/SAR3/12.10.2017/3P/5C

W.P (MD) No.13763 of 2017
04.10.2017