



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. [MD] .No.24561 of 2016

M.Iruthaya Sahayam

: Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Commissioner,
Nagercoil Municipality,
Nagercoil.
3. The Health Inspector,
Nagercoil Municipality,
Nagercoil.
4. The Deputy Director,
Health Department,
Krishnankovil,
Nagercoil.
- 5.I.Mohameed Safeek
- 6.Murugan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to close down the Broiler chicken shop of the sixth respondent in door No.118, K.P.Road, Subbiah Pillai Compound, Chettikulam Junction, Nagercoil.

For Petitioner : Mr.K.Meenakshisundaram,
For Mr.C.T.Perumal

For Respondents 1,3 &4 : Mr.M.Govindan,
Special Government Pleader
For Respondent No.2 : Mr.P.Athimoolapandian
For Respondent No.5 : Mr.S.R.Sathan Boopathy
For N.Subramanian
For Respondent No.6 : Mr.C.Godwin

**O R D E R***********

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition to direct the respondents 1 to 4 to close down the Broiler Chicken Shop conducted by the sixth respondent at premises bearing Door No.118, K.P.Road, Subbiah Pillai Compound, Chettikulam Junction, Nagercoil.

2. The learned Standing Counsel appearing for the Nagercoil Municipality, on instructions, submitted that the area in question is a commercial one, where there are several shops dealing with Broiler Chicken and other items of business. According to the learned Standing Counsel, the petitioner himself is conducting a Vulcanizing Shop very near to the premises, where the sixth respondent is doing business. The learned Standing Counsel submitted that the application submitted by the sixth respondent is pending before the Local Body. It is the contention of the learned Standing Counsel that there is no statutory violation by conducting Broiler Chicken Shop by the sixth respondent.

3. The petitioner himself is doing business at K.P.Road, Subbiah Pillai Compound, Chettikulam Junction, Nagercoil. We are informed that the said building is adjacent to the one, where the sixth respondent is doing business. It is nothing but personal rivalry between the petitioner and the sixth respondent. There is no element of public interest involved in this Writ Petition. We are, therefore, of the view that the Writ Petition is liable to be dismissed.

4. In the result, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Commissioner,
Nagercoil Municipality,
Nagercoil.



3. The Health Inspector,
Nagercoil Municipality,
Nagercoil.

4. The Deputy Director,
Health Department,
Krishnankovil,
Nagercoil.

+1cc to Spl.Government Pleader Sr.No.65239
+1cc to Mr.C.T.Perumal, Advocate Sr.No.64837
+1cc to Mr.N.Subramanian, Advocate Sr.No.65071

SML/MYR

VB/JC/SAR2/19.07.2017/3P/8C

**Order made in
W.P. [MD] .No.24561 of 2016
11.07.2017**