



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.24898 of 2016

and

W.M.P. (MD) No.18008 of 2016

V.Bose

... Petitioner

Vs.

The Executive Officer,
Sayalkudi Town Panchayat,
Ramanathapuram District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent to consider the Petitioner's representation dated 15.12.2016 for permitting the petitioner to run the milk shop situated in Santhaipettai, near the bus stand, Sayalkudi, Ramanathapuram District in an area to an extent of 20 x 20 feet upon receiving the enhanced rent.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.T.S.Mohamed Mohideen
Standing Counsel

ORDER

This writ petition has been filed, seeking to direct the Respondent to consider the Petitioner's representation dated 15.12.2016 for permitting the petitioner to run the milk shop situated in Santhaipettai, near the bus stand, Sayalkudi, Ramanathapuram District in an area to an extent of 20 x 20 feet upon receiving the enhanced rent.

2. The case of the petitioner is that he was permitted to run a milk shop situated at Santhaipetti, Near Bus Stand, Sayalkudi, Ramanathapuram District, measuring to an extent of 20 x 20 feet by the respondent. Now the respondent is restricting the size of the shop into 10 x 10 feet and hence the petitioner sent a representation dated 15.12.2016 to the respondent to permit him to run the milk shop in the same extent of 20 x 20 feet upon receiving the enhanced rent. So far, no action was taken by the



respondent. Hence, the petitioner has come before this Court with the above said prayer.

3. The learned Standing Counsel appearing for the respondent would submit that now the authority has permitted the petitioner to run the milk shop within the same extent, viz, 20 x 20 sq.ft., by issuing suitable proceedings dated 03.08.2017. However, in the said proceedings, it has been wrongly mentioned by the respondent as "Aavin Milk Booth", but actually, the petitioner was permitted to run only a Milk shop, which submission has not been stoutly refuted by the learned Counsel appearing for the petitioner.

4. In view of the above submission and also placing on record the proceedings dated 03.08.2017, this petition is disposed of with a direction to the petitioner to strictly follow the conditions imposed in the proceedings in Na.Ka.No.272/2013, dated 03.08.2017 to run the milk shop, failing which, it is open to the authority to cancel the said order and to proceed with to evict the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To:

The Executive Officer,
Sayalkudi Town Panchayat,
Ramanathapuram District.

Rm/ar

AE/JC/SAR2/21.09.2017/2P/2C

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