

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18150 of 2018

R.Saroja

...Petitioner

Vs.

1. The District Collector,
Erode.

2. The Assistant Director,
Town Panchayat,
Erode Region, Collectorate,
Erode.

3. The Executive Officer,
Ariyappampalayam Town Panchayat,
Sathiyamangalam Taluk,
Erode District,
Pin 638402.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent to consider the representations of the petitioner dated 16.03.2018, 12.04.2018 and 16.04.2018 and issue licence to carry on trade on fish monger at Door No.61, R.V.S.Thottam, Gobi Main Road, Sathyamangalam Taluk, Erode District or any other place within a stipulated time.

For Petitioner : Mr.S.Senthilnathan
For Respondents : Mr.B.Anand, G.A.

ORDER

Mr.Anand, learned Government Advocate takes notice for the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing.

2. The petitioner would state that she was selling fish chillies in a mobile cart near Sathyamangalam bus stand for several years and she approached the respondents to put up a

stall by submitting his representation dated 16.03.2018. Though the public residing in Ward Nos.4 and 5 did not have any objection, the representation was not considered by the third respondent.

3. The petitioner would claim that she entered into a rental agreement with one Velusamy on 10.04.2018 to run the business at Door No.61, R.V.S.Thottam, Gobi Main Road, Sathyamangalam, Erode District, and made application to the 3rd respondent, for issuance of licence. Since it was not considered, the present writ petition.

4. The learned counsel for the petitioner would submit that under Section 269 of the Tamil Nadu Municipalities Act, no person shall carry on trade of fish without licence. But, the petitioner's application was not properly considered by the third respondent. It is further submitted that it would suffice, if a direction is issued to the third respondent to consider the representations of the petitioner.

5. The learned Government Advocate submitted that mere sending representations for issuance of licence is not sufficient and if the petitioner applies in Form 14, pays necessary fees and enclose other required documents, the third respondent is ready to consider the same in accordance with law.

6. Considering the nature of prayer sought for in the writ petition and the submissions of the learned counsels on either side, this Court directs the petitioner to give application in proper form by paying necessary fees and enclose other required documents to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the third respondent shall consider the same and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of six weeks therefrom.

7. With the above direction, the writ petition is disposed of. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

pvs

To

1. The District Collector,
Erode.
2. The Assistant Director,
Town Panchayat,
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Erode.
3. The Executive Officer,
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Sathiyamangalam Taluk,
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+1 CC to Mr.S.Senthilnathan Advocate sr 47973.

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SP(01/08/2018)



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