



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE P.RAJAMANICKAM**

W.P. (MD) No.4689 of 2018

and

W.M.P. (MD) No.4750 of 2018

Tenkasi Thenpodhigai Auto Rickshaw Owners and
Drivers Welfare Association,
Regn No.4 of 2014,
Through its President,
New Bus Stand, Tenkasi,
Tirunelveli District.

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.
3. The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.
4. The Inspector of Police,
Tenkasi Police station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents their men, agents or any one claiming under them or on behalf of the respondents from in manner disturbing the peaceful running of auto rickshaw stand and parking the vehicles of members of the petitioner association in Northern Exit of Tenkasi New Bus Stand pursuant to the permission granted by the second respondent vide proceedings in Na.Ka.A2/9002/2017 dated 06.02.2018.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.B.Bhagawathi
Government Advocate.

O R D E R

This petition has been filed to forbear the respondents from in any manner disturbing the peaceful running of the Auto Rickshaw Stand and parking the vehicles of the members of the petitioner's association in Northern Exit of Tenkasi New Bus Stand pursuant to the permission granted by the second respondent vide proceedings in Na.Ka.A2/9002/2017 dated 06.02.2018.

2.The learned counsel for the petitioner has submitted that the second respondent herein has passed an order on 06.02.2018, after considering the representation submitted by the petitioner's association and reports received from the Tahsildar, Inspector of Police, Tenkasi and Deputy Superintendent of Police, Tenkasi, permitting the petitioner's association to run an auto stand. He further submitted that in the said order of the Revenue Divisional Officer, there are as many as ten conditions imposed and without violating those conditions, the members of the petitioner's association are parking their autos in the aforesaid stand. But now the fourth respondent is not permitting the members of the petitioner's association to park their autos in the aforesaid place.

3.The learned Government Advocate has submitted that the second respondent herein has passed an order on 07.03.2018, wherein he has cancelled the earlier order issued by him in Na.Ka.A2/9002/2017, citing law and order problem. He has also produced a letter sent by the second respondent to the Government Advocate.

4.The learned counsel for the petitioner has, by way of reply, submitted that the petitioner's association has not received copy of the order, which was passed by the second respondent, dated 07.03.2018.

5.Since the petitioner has filed this writ petition based on the order passed by the second respondent in Na.Ka.A2/9002/2017 dated 06.02.2018, which has now been cancelled by the second respondent, nothing survives for consideration, in this writ petition. Hence, this writ petition has become infructuous.

6.In the result, this writ petition is dismissed as infructuous and the second respondent is directed to serve a copy of the order dated 07.03.2018 to the petitioner's association, within a week from the date of receipt of a copy of this order. It is open to the petitioner to challenge the order passed by the second respondent, dated 07.02.2018. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

3. The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.

4. The Inspector of Police,
Tenkasi Police station,
Tirunelveli District.

+ 1 cc TO Mr.M.Karthikeya Venkitachalapathy , Advocate in SR No.
55362

• 1 cc TO The Special Government Pleader in SR No. 55671

rmk

AE/SKN RSK/SAR4/03.04.2018/3P/7C

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