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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18432 of 2018

and

W.M.P (MD) .Nos.16311 and 16312 of 2018

Kannan

: Petitioner

Vs.

1.The Government of Tamilnadu
rep by its Chief Secretary,
Fort St.George, Chennai.

2.The District Collector,
Office of Collectorate Building,
Theni District.

3.The Municipal Commissioner,
Office of the Municipal Commissioner,
Bodi, Theni District.

4.The Town Health Officer,
Office of the Municipal Commissioner,
Bodi, Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the fourth respondent for not to disturb the petitioner's peaceful business name and style as Sri Lakshmi Cake Shop & Sweets, located at Devaram Main Road, Bodi Bus Stop Opp., Bodi, Theni District.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

From the facts disclosed in the affidavit filed in support of the writ petition, it could be seen that there is no specific cause of action for the petitioner to approach this Court to invoke its extraordinary jurisdiction under Article 226 of the Constitution of India.

2.According to the petitioner, the fourth respondent is attempting to disturb the peaceful running of his business every now and then and therefore, the petitioner's livelihood has been affected and therefore, he is before this Court seeking to forebear the respondents from disturbing his peaceful running of his



business.

3. This Court by exercising its extraordinary jurisdiction under Article 226 of the Constitution of India cannot act on the basis of the certain averments alone without any supporting materials. In case the petitioner is aggrieved by specific act of the respondents, it is always open to him to challenge the same in a manner known to law. It is certainly not open to the petitioner to approach this Court, on the basis of certain bald averments alone, in the absence of any materials made available in the writ petition in support of the grievances as projected in the writ petition. Therefore, this Court finds no merits in this writ petition. Hence, the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Chief Secretary,
Fort St. George, Chennai.

2. The District Collector,
Office of Collectorate Building,
Theni District.

3. The Municipal Commissioner,
Office of the Municipal Commissioner,
Bodi, Theni District.

4. The Town Health Officer,
Office of the Municipal Commissioner,
Bodi, Theni District.

+1cc to Mr. D.S. Haroon Rasheed, Advocate, SR.No. 80094

+1cc to M/s. Special Government Pleader, SR.No. 80331

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