

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.26690 of 2019
and
W.M.P.No.26069 of 2019

Sujatha

.. Petitioner

/versus/

1.The District Collector,
Villupuram District.

2.The Superintendent of Police,
Villupuram District.

3.The General Manager,
Villupuram-Cuddalore District,
Co-operative Milk Producers Union Ltd.,
Villupuram.

4.The Executive Engineer, PWD,
Buildings (C&M) Division,
Villupuram District.

5.The Inspector of Police,
Kallakurichi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 15.07.2019 consequently direct the respondents to permit the petitioner to carry out the business as Aavin Palagam in Taluk Office campus at Kallakurichi.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.K.Ravikumar, AGP
for R1,2,4 and 5
Mr.L.P.Shanmuga Sundaram
Spl.G.P. for R3

O R D E R

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1,2,4 and 5

and the learned Special Government Pleader for the 3rd respondent.

2. The petitioner claiming as a President of Women self help group and the lease holders for running an Aavin Palagam in Taluk office, Villupuram. Though the respondent allotted space for establishing the Aavin Palagam in the Taluk office campus in Kallakurichi vide agreement dated 29.08.2018 for a period of one year from 01.09.2018 to 31.08.2019, they were not permitted to run the shop. In view of the illegal demolition of the shed put up by the petitioner, a criminal complaint has also been lodged in the Kallakurichi police station vide FIR No.922 of 2018 dated 10.12.2018. Since no action was taken, she has preferred a present writ petition.

3. The petitioner has given a representation on 15.07.2019 to the authorities reporting about the damage caused to the shed put up by the petitioner. Hence, registered a criminal complaint and seeking permission to run the Aavin Palagam inside the campus of Kallakurichi Taluk office. In this writ petition, the petitioner seeks by way of writ of mandamus to direct the respondent to consider the petitioner's representation dated 15.07.2019 and consequentially permit the petitioner to carry out the business within the Taluk office campus, Kallakurichi.

4. The two essential documents in this writ petition are the agreement between the petitioner and the Executive Engineer, PWD, Villupuram dated 29.08.2018 and the representation alleged to have been sent by the petitioner to the authorities on 15.07.2019. As far as the agreement is concerned, it is a very specific that the lease period commenced from 01.09.2018 and ended on 31.09.2019 and as on date the petitioner cannot seek for any right to run the Aavin Palagam within the Tahsildar office, Kallakurichi without any leave or license. As far as the representation dated 15.07.2019 is concerned, it is the nature of the complaint against the authorities, who have disturbed the peaceful business of the petitioner and illegal demand made by them. In this regard, already the criminal case has been registered and it is under investigation.

5. The request for permitting the petitioner to continue the business cannot be entertained either by the authorities or by this Court. Since the agreement between the petitioner and the PWD has come to an end. There is no request by the petitioner for extension of lease or to grant fresh lease to run Aavin Palagam in the said premises.

6. In such circumstances, this Court is of the opinion that the said writ petition is not sustainable. The prayer in the writ petition deserves to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The District Collector,
Villupuram District.

2.The Superintendent of Police,
Villupuram District.

3.General Manager,
Villupuram-Cuddalore District,
Co-operative Milk Producers Union Ltd.,
Villupuram.

4.The Executive Engineer, PWD,
Buildings (C&M) Division,
Villupuram District.

5.The Inspector of Police,
Kallakurichi.

+1cc to Mr.S.N.Subramani, Advocate, S.R.No. 77353

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 78025

+1cc to the Government Pleader, S.R.No. 77700

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and

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VG I (CO)

GN(17/10/2019)