



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.12659 of 2019

Jamesh Begam

... Petitioner

Vs.

1.The Principal District and Sessions Judge,
O/o. The Principal District and Sessions Judge,
District Court,
Sivagangai.

2.The Executive Engineer,
Public Works Department
Sivagangai Town,
Sivagangai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to grant license to the petitioner, thereby permitting her to shift her Tea shop/canteen from old Court complex and to locate the same at new Court complex at Sivagangai Collectorate Campus in the light of the 2nd respondent's proceedings dated 04.07.1986 and the petitioner's representation dated 24.05.2019.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.N.Mohideen Basha for R1

: Mr.C.M.Mari Chelliah Prabhu

Additional Government Pleader for R2

ORDER

The prayer in the writ petition is for a writ of Mandamus to direct the 2nd respondent to grant license to the petitioner, thereby permitting her to shift her Tea shop/canteen from old Court complex and to locate the same at new Court complex at Sivagangai Collectorate Campus in the light of the 2nd respondent's proceedings dated 04.07.1986.

2.Heard the learned counsel for the petitioner, learned counsel for the 1st respondent and the learned Additional Government Pleader appearing for the 2nd respondent.

3.The learned counsel for the petitioner submits that, the petitioner is having a tea shop/canteen at the old Court campus at Sivagangai for several years with the permission of the second



respondent. However, now a new combined Court building has been constructed within the Collectorate campus. The petitioner wants to shift the tea shop/canteen to the new Court campus and in this regard, she made a request to the first respondent as well as the second respondent. The first respondent, Principal District Judge, vide his proceedings dated 30.05.2019 returned the said request made by the petitioner on the ground that as per the official memorandum issued by the High Court, Madras, vide official memorandum dated 19.07.2017, the first respondent does not have any power to decide as to whether canteen or tea shop to be located in a particular Court campus and it has to be only decided by the Public Works Department, ie., the second respondent, insofar as this case is concerned. Therefore, on this ground, the first respondent directed the petitioner to approach the second respondent and to seek remedy appropriately. On production of the said communication dated 30.05.2019 issued by the first respondent and by relying upon the orders passed by this Court in a similar circumstances, in W.P.(MD) No.4927 of 2017 dated 01.03.2019, the learned counsel for the petitioner submits that, in this regard already the petitioner had made request/representation to the second respondent dated 24.05.2019 and if the said representation is directed to be considered and an order to that effect on merits is directed to be passed by the second respondent for locating the tea shop/canteen at the new Court campus at Sivagangai, the petitioner would be satisfied.

4. I have heard the learned Additional Government Pleader for the second respondent, who would submit that, the said representation of the petitioner dated 24.05.2019 made to the second respondent, would be considered on merits and in accordance with law and an order to that effect would be passed within a time frame to be stipulated by this Court.

5. Therefore, considering the submissions made by both sides and taking into account the aforesaid factual matrix, this Court is inclined to dispose this writ petition with the following direction:

"That the second respondent is hereby directed to consider the representation of the petitioner dated 24.05.2019 and pass orders thereon regarding the permission to be granted to the petitioner for locating/transferring the tea shop/canteen from the old Court campus to the newly constructed combined Court building campus at Sivagangai, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this Order." No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Principal District and Sessions Judge,
Sivagangai District.

2. The Executive Engineer,
Public Works Department
Sivagangai Town,
Sivagangai District.

+1 CC to SPL GP SR-68456.

+1 CC to Mr. M. SOLAI SAMY, Advocate SR-68757.

W.P. (MD) No. 12659 of 2019
12.06.2019

CS: (21/06/2019) 3P 5C