

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.3385 of 2020

B.Marimuthu

... Petitioner

..Vs..

1.The District Collector Coimbatore,
Collector Office,
Coimbatore-18.

2.The Thasildar,
Taluk Office,
Mettupalayam,
Coimbatore.

3.The Executive Engineer,
Public Works Department and
Water Resources Organization,
Bhavanisakar Zone,
Bhavanisakar-638 451.

4.The Special Officer,
Sirumugai Town Panchayat,
Mettupalayam Taluk,
Coimbatore.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to take appropriate immediate action to give a license and permit to operate the Coracle Parisal boat and Motor Boat Service in the Kanthaiyaary River on the basis of the petitioner's representation dated 20.01.2020.

For Petitioner : Mr.C.Rajaguru

For Respondents: Mrs.P.Rajalakshmi

Additional Government Pleader for R1 to R3

Mr.D.Sathayaraj

Special Government Pleader for R4

ORDER

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondent Nos.1 and 2 to take appropriate immediate action to give a license and permit to operate the Coracle Parisal boat and Motor Boat Service in the Kanthaiyaary River on the basis of the petitioner's representation dated 20.01.2020.

2.The Executive Officer, Sirumugai Town Panchayat, Mettupalayam Taluk, Coimbatore, is present before this Court. This Court deeply appreciates the presence of the said officer.

3.In the affidavit filed in support of the writ petition, it is stated that the petitioner is running a Coracle parisal boat and motor boat transportation service in the Kanthaiyaaru River. The petitioner had applied for the license to operate the Coracle parisal boat service in the Kanthaiyaary River. On 17.09.2019 he was permitted to operate Coracle Parisal boat service in the Kanthaiyaaru River. On several occasions the petitioner gave representation to operate one Coracle parisal boat service and one Motor boat service. On 06.01.2020, the petitioner received reply from the second respondent that the petitioner should not operate boats without license. Therefore, the petitioner gave a detailed representation to permit the petitioner to operate the boat services. But, till date his representation has not been considered by the first respondent. Hence the present writ petition has been filed seeking to issue license and permit to operate the Coracle Parisal boat and Motor Boat Service in the Kanthaiyaary River.

4.The learned counsel for the petitioner informed that the Thasildar is the competent authority to issue license to the petitioner. The learned counsel for the petitioner states that the Thasildar issued the order to the petitioner in Na.ka.No.4398/2019/A8 dated 06.01.2020, where in it is stated that the petitioner should get a license for running the Parisal Boats.

5.Heard both sides and perused the material available on record.

6.In view of the facts and circumstances of this case, this Court is inclined to issue the following directions:-

(i) The petitioner shall give a formal application before the Thasildar and go over to the Thasildar Office on 05.03.2020 between 11.00 a.m and 12 noon and explain to the Thasildar the necessity for granting of license.

(II) The petitioner may give undertakings regarding safety, maintenance of the boat during the transportation.

(iii) If the Thasildar imposes any condition, the petitioner should abide with the same.

(iv) After considering all the facts, the Thasildar may take an appropriate decision.

With the above directions the Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector Coimbatore,
Collector Office,
Coimbatore-18.

2.The Thasildar,
Taluk Office,
Mettupalayam,
Coimbatore.

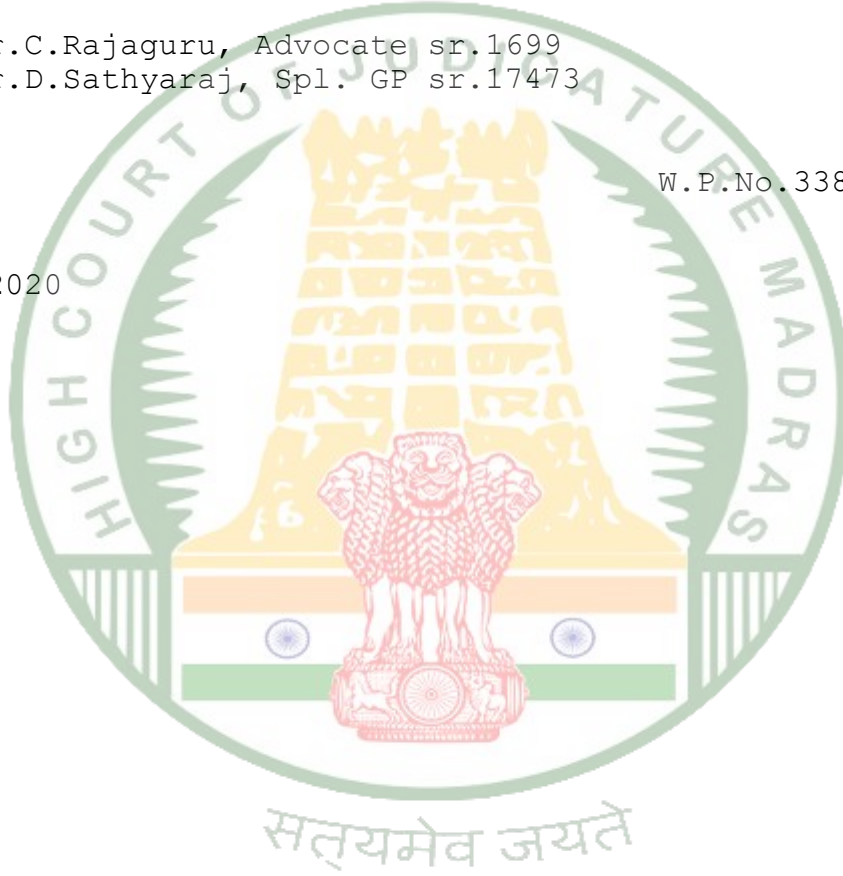
3.The Executive Engineer,
Public Works Department and
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Bhavanisakar-638 451.

4.The Special Officer,
Sirumugai Town Panchayat,
Mettupalayam Taluk,
Coimbatore.

+1cc to Mr.C.Rajaguru, Advocate sr.1699
+1cc to Mr.D.Sathyaraj, Spl. GP sr.17473

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sj(co)
nr 28/02/2020



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