

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.30441 of 2012

1.A.S.Mahaboob Basha
2.J.Sathick Basha
3.M.Abdul Salam
4.S.Dhasthakeer Basha
5.G.Kadhar Basha
6.A.W.Navab John
7.M.Shameem

...Petitioners

vs.

1.The Secretary to Government of Tamil Nadu,
Municipal Administration,
Fort St. George,
Chennai.

2.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai,
Thiruvannamalai District.

3.The District Collector,
Collector Office,
Thiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents herein immediately to return the seized articles and permit the petitioners to continue the shops and also direct the 2nd respondent to issue proper license and certificates to all the petitioners to have butcher shops.

For Petitioners : Ms.S.Suseela Devi

For Respondents : Ms.A.Madhumathi for R1 and R3
Special Government Pleader
Mr.R.Ravichandran for R2
Additional Government Pleader

O R D E R

Heard Ms.Suseela Devi, learned counsel appearing for the petitioner, Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents 1 and 3 and Mr.R.Ravichandran, learned Additional Government Pleader appearing for the second respondent.

2.The petitioners are six in number, who are stated to have been running butchery shops within the jurisdiction of Thiruvannamalai Municipality. It appears that the place of business was raided equipments and articles were seized and not returned to the petitioners. Therefore, the petitioners submitted representations requesting the respondents to return the seized articles. Since the representations were not considered, the petitioners are before this Court seeking for a direction upon the respondent to return all the seized articles and permit them to continue the shops.

3.Firstly, the seized articles are meat and other articles which are butchery items cannot be returned at this distance of time. That apart, at most the butcher would have using knives and other equipments which by now would have virtually reduced into scrap.

4.From the counter statement, it is seen that the butchery business was done by the petitioners in a residential area not authorized for such type of activities. Apart from that, the petitioners encroached over municipal drainage and were conducting the butchery business. That apart, the Tahsildar Thiruvannamalai has given oral warning to the petitioners 1 to 3 to discontinue their butchery business and has also issued notice under Section 133 of Cr.P.C on 08.11.2012 to abate the nuisance.

5.Considering all these facts, the petitioners are not entitled for any relief in this writ petition. However, this Court is also simultaneously concerned about the livelihood of the petitioners in conducting their butchery business. It is the right time for the respondent Municipality to regulate the business and they can establish an exclusive area for conducting

this sort of business and licenses can be granted to the persons like the petitioners and other traders so that the business is carried on in an hygienic place without any objection.

6.With the above observation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III-MDU)

//True Copy//

Sub Assistant Registrar

pam
To

1.The Secretary to Government of Tamil Nadu,
Municipal Administration,
Fort St. George,
Chennai.

2.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai,
Thiruvannamalai District.

3.The District Collector,
Collector Office,
Thiruvannamalai District.

+1cc to M/s.S.Suseela Devi, Advocate SR.22399
+1cc to the Government Pleader SR.22157

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LN (CO)
CB(19/06/2020)

सत्यमेव जयते

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