

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10119 of 2020 and
W.M.P.No.12302 of 2020

G.Venkatachalam

... Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Chengalpet District.
2. The Superintendent of Police,
Chengalpet District 603001.
3. The Tahsildar,
Chengalpet Taluk,
Chengalpet District.
4. The Commissioner,
Chengalpet Municipality,
Chengalpet Municipal Office,
GST Road, Chengalpet HO,
Near Old Bust Stand & Police Station,
Chengalpet Districct 603 001.
5. The Inspector of Police,
Chengalpet Town Police Station,
Chengalpet District 603 002.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the fourth and fifth respondents from disturbing their running of the bakery shops and pass orders.

For Petitioner : Mr.N.Kumar Rajan

For Respondents : Mr.Annai Ezhil,

Government Advocate for R1 to R3 & R5

Mr.L.P.Maurya for R4

O R D E R

This writ petition has been filed for a direction to the fourth and fifth respondents not to disturb the petitioner who is carrying on business by running two bakery shops.

2.The grievance of the petitioner is that even though he is running the business with necessary licence, the fourth and fifth respondents are disturbing the petitioner and forcing him to close the shops after 5 p.m., in the evening.

3.The learned counsel for the petitioner submitted that the petitioner is strictly following the guidelines issued by the Government from time to time under the Disaster Management Act. The learned counsel further submitted that as per the guidelines, the shop can be kept open upto 7'o clock as per the G.O.Ms.No.229, dated 09.05.2020. Therefore, the fourth and fifth respondents cannot interfere with the running of the shop upto 7 p.m., as per the notification.

4.The learned counsel appearing on behalf of the fourth respondent submitted that no attempt was made to interfere with the business of the petitioner and the petitioner was only questioned since the customers coming to the shops were not maintaining social distancing. The learned counsel further submitted that the petitioner can run the shops till the time mentioned in the notification. But however, the social distancing rule should be strictly followed, failing which the respondents will have to necessarily take action.

5.The learned counsel for the petitioner while replying to the submission stated that the petitioner will strictly follow all the guidelines and that the petitioner is also aware about the present situation that is prevailing.

6.In view of the specific stand that has been taken by the respondents and the undertaking given by the petitioner, this writ petition is disposed of by directing the petitioner to strictly follow the notification issued under the Disaster Management Act and till that is done, the business conducted by the petitioner cannot be interfered with. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
District Collectorate Office,
Chengalpet District.

2. The Superintendent of Police,
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Chengalpet District.
4. The Commissioner,
Chengalpet Municipality,
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Near Old Bust Stand & Police Station,
Chengalpet District 603 001.
5. The Inspector of Police,
Chengalpet Town Police Station,
Chengalpet District 603 002.

+1cc to The Government Pleader in SR.26260

+1cc to M/s.N.Kumar Rajan, Advocate in SR.26072

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RJI (CO)
RV (14/09/2020)



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