



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.OF 19718 OF 2015

G.Vairam

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Salem - 636 001.
2. The Divisional Engineer,
Highways Department,
Hasthampatti,
Salem - 636 007.
3. The Assistant Divisional Engineer,
Highways Department,
Hasthampatti,
Salem - 636 007.
4. The Commissioner,
Salem Municipality,
Salem - 636 001.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, praying to Writ of Certiorarified Mandamus, calling for records and quash the third Respondent order in Na.Ka.No.442/2015~~952~~ dated 12.06.2015 as invalid in law and further direct the Respondents to provide license to the petitioner to carry on the business in same place or any other place to run his petty shop further.

For Petitioner : Mr.A.Murugan

For Respondents 1 to 3 : Mr.C.Kathiravan
Government Advocate

For Respondent 4 : Ms.K.Bhuvaneswari



O R D E R

The order impugned dated 12.06.2015 states that the petitioner was running a bunk shop opposite to the Government Kumaramangalam Medical College Hospital at Salem, by encroaching the public road.

2. In view of the fact that the encroachment caused public inconvenience at large, the authorities competent evicted the petitioner by following the procedures.

3. The request of the petitioner to run the stall in the highways was also rejected. Admittedly, the petitioner was an encroacher and the encroachment was removed in accordance with law. This being the impugned order, the grievances of the petitioner that he must be granted permission or to provide an alternate land for running a shop, cannot be considered by this Court. If at all the Government introduced any scheme for running the shop by leasing out some shops, then the petitioner, if otherwise qualified, may apply for the same, by following the procedures as contemplated.

4. With these observations, the writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

ars/mka
To

1. The District Collector,
Office of the District Collector, Salem - 636 001.
2. The Divisional Engineer,
Highways Department, Hasthampatti, Salem - 636 007.
3. The Assistant Divisional Engineer,
Highways Department, Hasthampatti, Salem - 636 007.
4. The Commissioner,
Salem Municipality, Salem - 636 001.

+lcc to the Government Pleader, S.R.No.

W.P.No.19718 of 2015

MG(CO)
CS/27/10/2021