



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.13369 OF 2020

S.Palani

...Petitioner

Vs.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Sub-Collector cum
Revenue Divisional Officer,
Hosur, Krishnagiri District.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 2nd respondent in Mu.Mu.2280/2019/A4 dated 31.07.2020 and quash the same as illegal, incompetent and ultravires and consequently direct the 2nd respondent to grant permission to run the petty shop at Jai Sakthi Nagar, Thally HUDCO, Hosur, Krishnagiri District.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mrs.C.Sangamithirai
Additional Govt. Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for records pertaining to the impugned order dated 31.07.2020 issued by the 2nd respondent and to consequently direct the 2nd respondent to grant permission to the petitioner to run the petty shop as expeditiously as possible.

2. The case of the Petitioner is that, he has planned to run a Petty Shop for his livelihood and therefore, he made an



application before the Food Safety and Standards Authority of India (in short "FSSAI") seeking for license to set up a Petty Shop and has also paid necessary fees for the same. Subsequently, FSSAI granted permission to the petitioner to set up a Food Vending Establishment/Petty Shop with Registration No.22418099000328. Thereafter, the Petitioner made a representation dated 18.06.2018 before the 2nd respondent, seeking permission to set up a Petty Shop in the above mentioned address, however, no order was passed on the petitioner's representation. Hence, the Petitioner filed a Writ Petition in W.P.No.20554 of 2018 and this Court vide its order dated 10.08.2018 directed the 2nd respondent to consider the Petitioner's representation dated 18.06.2018 within a period of four weeks from the date of receipt of a copy of the order. However, In pursuant to the order of this Court, the 2nd respondent passed an impugned order vide Mu.Mu.2280/2019/A4 dated 31.07.2020, rejecting the petitioner's representation on the ground that the place in which the petitioner plans to setup the petty shop is situated within the limits of the Corporation/belongs to the Corporation. Challenging the same, this Writ Petition is filed.

3. The learned counsel for the petitioner submitted that though the petitioner has obtained license from FSSAI to set up a Food Vending Establishment/Petty Shop, the 2nd respondent kept quiet for a long time and have not passed any orders on the representation made by the petitioner and thereafter, the same was rejected without any valid reason inspite of the order of this Court dated 10.08.2018. He further submitted that, it would suffice, if this Court sets aside the impugned order dated 31.07.2020 passed by the 2nd respondent in Mu.Mu.2280/2019/A4 and permit the petitioner to run the petty shop in the above said address without any hindrance.

4. The learned counsel appearing for the respondents submitted that the petitioner's representation dated 18.06.2018 seeking permission to run the petty shop at Jai Sakthi Nagar, Thally HUDCO, Hosur, Krishnagiri District was rejected, as there is no provision/Government Orders available to grant permission to the petitioner to set up the bunk shop/petty shop without conducting public auction and also the 2nd respondent has no power to grant permission to the petitioner to set up the Petty shop in the place which is under the control of the Corporation. Hence, he prays this Court for dismissal of the Writ petition.

5. Heard the arguments advanced on either side.

6. In view of the submissions made by the learned counsel for the respondents, since the 2nd respondent has no power to grant permission to run a petty shop and can only grant



permission to set up a petty shop after conducting proper public auction, the 2nd respondent has rightly rejected the petitioner's representation dated 18.06.2018 and this Court is not inclined to interfere with the impugned order dated 31.07.2020 passed by the 2nd respondent in Mu.Mu.2280/2019/A4.

7. Accordingly, this Writ petition is disposed of. No costs. However, liberty is granted to the petitioner to make a fresh representation before the Commissioner, Hosur Municipality within a period of two weeks from the date of receipt of a copy of this order, seeking permission to participate in the Public auction and on receipt of such representation, if law permits, the Commissioner, Hosur Municipality shall consider the same and pass appropriate order within a period of six weeks thereafter.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

skt

To:

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Sub-Collector cum
Revenue Divisional Officer,
Hosur, Krishnagiri District.
- 3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.
- 4.The Commissioner,
Hosur Municipality.

+1cc to M/s.R.Jayaprakash, Advocate Sr.No.89

W.P.No.13369 of 2020

PMK(CO)
RVM(28/02/2022)