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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

W.P. No. 18319 of 2021

Abdul Khader  
No:39/17, Mohammedpura 1<sup>st</sup> Street,  
Ambur,  
Thirupatthur District - 635 601.

...Petitioner

Vs.

1.The Commissioner,  
Ambur Municipality, Ambur,  
Tirupathhur District.

(Cause Title Amended as per the order of  
this Court dated 02.09.2021)

2.The District Collector,  
District Collectorate buildings,  
Old BDO Office,  
Krishnagiri Main Road,  
Tirupattur District - 635 601.

3.The Managing Director,  
Tamil Nadu Co-Operative Milk Producers Union,  
No:36-A, Pasumpon Muthuramalingam Thevar Road,  
Nandanam Extension,  
Chennai - 600 035.

...Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent not to initiate any steps to vacate the petitioners Aavin shop located near the Mohammedpura masjid road, which is running with the approval of Tamil Nadu Co-Operative Milk Producers Union, by considering petitioner's representations dated 04.07.2021 within the time stipulated by this Court.

For Petitioner : M/s.V.K.Yunus Mohammed

For Respondent : M/s.P.Srinivas  
Standing counsel for R1  
M/s.U.Baranidharan  
Government Advocate for R2  
M/s.Amritha  
Government Advocate for R3



## O R D E R

This writ petition has been filed for the issue of a writ of mandamus forbearing the 1<sup>st</sup> respondent from disturbing the Aavin bunk shop run by the petitioner by considering the representation made by the petitioner on 04.07.2021.

2. When the matter was taken up for admission on 02.09.2021, this Court directed the learned standing counsel appearing on behalf of the 1<sup>st</sup> respondent municipality to take instructions and report before this Court.

3. The learned standing counsel appearing on behalf of the 1<sup>st</sup> respondent Municipality submitted that no permission was granted to the petitioner to put up the Aavin bunk shop and in fact, the petitioner has managed to put up a bunk shop in a place adjacent to the compound wall of the Mosque and it has been put up over the water channel through which the rain water gets drained during rainy season. The learned counsel submitted that due to the illegal bunk shop put up by the petitioner, the 1<sup>st</sup> respondent is not able to carry on with the work in the concerned street in order to lay a cement road.

4. Taking into consideration the facts and circumstances of the case and the specific stand that has been taken by the 1<sup>st</sup> respondent, this Court does not find any merits in the present writ petition and accordingly, the writ petition is dismissed. No costs.

Sd/-  
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

RAP/RR

To

1.The Commissioner,  
Ambur Municipality, Ambur,  
Tirupathhur District.  
(Cause Title Amended vide Order dated 02.09.2021)

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+1cc to the Government Pleader SR.No.46170

W.P.No. 18319 of 2021

KSM(CO)  
RVM(24/09/2021)