



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 21385 of 2021
and
W.M.P. No. 22630 of 2021

N. Selvam

... Petitioner

Versus

1. The Collector,
Tiruppur District,
Tiruppur.

2. The Assistant Commissioner,
Prohibition and Excise Department,
Tiruppur District, Tiruppur 641 601. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Na.Ka.17068/2021/kalal-2 dated 17.09.2021 and quash the same and consequently direct the respondents to permit the petitioner club to function based on the permission already granted in accordance with law within a stipulated period.

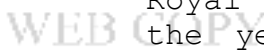
For Petitioner : Mr. M. Loganathan

For Respondents : Mr. Stalin Abhimanyu
Government Advocate

ORDER

Mr. Stalin Abhimanyu, learned Government Counsel takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at the time of admission itself.

2.The relief sought in this writ petition is to issue a writ of certiorarified mandamus, calling for the records of the first respondent in Na.Ka.No.17068/2021/Kalal-2 dated 17.09.2021, quash the same and consequently, direct the respondents to permit the petitioner's club to function based on the



3.It is the case of the petitioner that he is a secretary of Royal Health and Social Welfare Club, which was established in the year 2013, after obtaining necessary permission from the competent authorities. The petitioner's club is running after following due procedure and without any complaint from the public. While so, on 19.09.2021, without conducting any inspection, the first respondent issued a show cause notice calling upon the petitioner's club to explain as to why it should not be provided sufficient parking space in the club premises. According to the petitioner, the club is having adequate parking area in the entire ground floor separately for two wheeler covering 1243 sq.ft. as well as car parking to an extent of 1960 sq.ft. Upon receipt of the said notice, the petitioner sent a detailed explanation on 24.09.2021 to the first respondent. When the things stood thus, the respondents are now attempting to evict the club illegally based on the complaint lodged by one Selvaraj, MLA of Tiruppur (South). Hence, apprehending dispossession, the petitioner has filed this writ petition for the aforesaid relief.

5. On the other hand, the learned Government Counsel taking notice for the respondents, fairly submitted that what was impugned in this writ petition is only a show cause notice, calling upon the petitioner's club to submit its explanation for the alleged shortage of parking space in the club premises. In response to the same, the petitioner's club already submitted its explanation. In such circumstances, the respondent authorities would consider the same and pass appropriate orders, on merits. It is further submitted that the respondent authorities would take action only after following due process of law.

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writ petition, except recording the same. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dhk
To

1. The Collector,
Tiruppur District,
Tiruppur.
2. The Assistant Commissioner,
Prohibition and Excise Department,
Tiruppur District,
Tiruppur 641 601.

+lcc to Mr.M.Loganathan, Advocate Sr.52497
+lcc to the Government pleader Sr.52433

WP No. 21385 of 2021

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srg 11/11/2021