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W.A.(MD) Nos.376 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2021**

CORAM

THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.A. (MD) No.376 of 2021

Mahalakshmi ...Appellant/Third Party
-Vs-
1.S.Kannan ... 1st Respondent/Writ Petitioner
2.The District Collector,
Nagercoil,
Kanyakumari District.
3.The Executive Officer,
Anjugramam First Grade,
Town Panchayat,
Anjugramam,
Kanyakumari District. ...Respondents 2 & 3/Respondents 2 & 3

Prayer: Writ Appeal filed under Clause 15 of Letter Patent against the order passed in W.P. (MD) No.9906 of 2019 dated 14.07.2020.

Prayer in WP(MD). 9906 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned communication dated 16.03.2019 under Reference Na.Ka.No.63/2019 issued to the Petitioner by the 2nd respondent and subsequently quash the same illegal and devoid of merits forthwith and thus render justice.

For Appellant : Ms.Tamil Malar for
Mr.T.Lajapathi Roy

For Respondents: Mr.R.Baskaran
Standing Counsel for Government
for R-2
R1 & R3 - No appearance.



JUDGMENT

[Judgment of the Court was made by **T. S. SIVAGNANAM, J.,**]

This appeal is directed against the order dated 14.07.2020 made in W.P.(MD)No.9906 of 2019.

2.Though the first respondent has entered appearance, vakalat has been returned and none appears for the first respondent. Though the third respondent has been served and his name is printed in the cause list, none appears for the third respondent.

3.We have heard Ms.Tamil Malar, learned counsel for the appellant and Mr.R.Baskaran, learned Standing Counsel for the second respondent.

4.The appellant is aggrieved by a portion of the order dated 14.07.2020 in W.P.(MD)No.9906 of 2019 filed by the first respondent herein to quash the communication dated 16.03.2019 passed by the third respondent herein.

5.The learned Writ Court granted liberty to the first respondent herein to approach the third respondent by giving a fresh application for running a lathe workshop and the application was directed to be considered within the time frame. The appellant has not aggrieved by the full order but aggrieved by the observation that status quo obtained before the lock down will continue.

6.It is true that all the proceedings of the Government, Quasi Government and Local bodies have been directed to be kept in abeyance, pursuant to the directions issued by the Hon'ble First Bench of this Court. In any event, as of now, the Government has relaxed various conditions and it appears that the local bodies also started functioning. Therefore, we direct the third respondent to process the application filed by the first respondent within the reasonable time.

7.The learned counsel for the appellant submitted that the learned Writ Court directed the first respondent to apply afresh for grant of licence. Till date, he has not applied. Then, we make it clear that if the first respondent does not apply for licence within the time period of eight weeks from the date of receipt of a copy of this judgment, then the benefit of the order of status quo granted by the Writ Court will not inure in favour of the first respondent and the third respondent Town Panchayat is entitled to take action against the first respondent. If the first respondent is found to be lacking in qualification for appropriate licence, then the first respondent should not be permitted to operate lathe workshop.



8. With the above directions, this Writ Appeal is disposed of.
No costs.

Sd/-

Assistant Registrar(CS-)

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/ /2021

Sub Assistant Registrar(CS)

kmm/sm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Executive Officer,
Anjugramam First Grade,
Town Panchayat,
Anjugramam,
Kanyakumari District.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-21584[F] dated 07/07/2021)

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TP(CO)
TR(22.07.2021) 3P 4C