



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P(MD)No.7916 of 2021
and W.M.P(MD)No.6042 of 2021
(Through Video Conference)**

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Sudhakar Jayaraj

... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub-Collector,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

4.The Executive Officer,
Mandapam Town Panchayat,
Ramanathapuram District.

5.M.Palsamy

6.Manohari

7.Marichamy

8.Chithra Devi

... Respondents

(RR 5 to 8 were impleaded vide order
dated 21.04.2021 made in W.M.P(MD)No.6307 of 2021)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pass orders in his application submitted under the Tamil Nadu Places of Public Resorts Act, 1888, dated 09.02.2021 seeking permission to run the petitioner's resort namely "Cabana Coral Reef".

For Petitioner	: Mr.K.Ragatheesh Kumar
For RR 1 to 3	: Mr.K.P.Narayana Kumar Special Government Pleader
For R - 4	: Mr.VR.Shanmuganathan Special Government Pleader
For RR 5 to 8	: Ms.Porkodi Karnan



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to consider the application submitted by the petitioner on 09.02.2021, wherein the petitioner is seeking for permission to run a resort.

2.The petitioner was earlier running a resort and by virtue of the proceedings of the first respondent dated 21.01.2021, the resort was sought to be closed and the order of the first respondent was implemented by the second respondent and accordingly, the resort was closed. The petitioner also filed a Writ Petition before this Court in W.P(MD)No.1825 of 2021 and the same was dismissed by an order dated 10.03.2021 by giving liberty to the petitioner to approach the competent authority and obtain necessary permission for running the resort.

3.The petitioner thereafter made an application on 09.02.2021 before the respondents 1 to 3 seeking for permission to run the resort, under the Tamil Nadu Places of Public Resorts Act, 1888. Since the representation was not considered, the present Writ Petition has been filed before this Court.

4.An impleading petition was filed by the impleaded respondents 5 to 8 on the ground that they were the once who are opposing the running of the resort by the petitioner. This Court allowed the impleading petition and they have been added as respondents 5 to 8.

5.Heard Mr.K.Ragatheesh Kumar, learned counsel appearing for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the fourth respondent.

6.Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall a direction to the first respondent to consider the application/representation made by the petitioner on 09.02.2021 strictly in accordance with law after affording opportunity to the petitioner and all the other interested parties. The decision shall be taken by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

7.The petitioner is directed to make a representation to the first respondent along with all the relevant documents and also a copy of this order.

8.This Writ Petition is disposed of with the above direction.

<https://hcservices.ecourts.gov.in/hcservices/>



No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

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,
Ramanathapuram District,
Ramanathapuram.

2.The Sub-Collector,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

4.The Executive Officer,
Mandapam Town Panchayat,
Ramanathapuram District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-17010[F] dated 22/04/2021)

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-17319[F] dated 23/04/2021)

+1 CC to M/s.SPL GP (SR-17369[F] dated 23/04/2021)

W. P (MD) No. 7916 of 2021
21.04.2021

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AS (26.05.2021) 3P 8C