



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.448 of 2019

and

C.M.P (MD) .No.3670 of 2019

G.Kaanthaia

...Appellant/Petitioner

Vs.

The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

...Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Act, to set aside the order dated 21.02.2019 made in W.P(MD). No.18196 of 2018 on the file of this Court and allow the above writ appeal.

Prayer in WP(MD). 18196/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondent from giving permission by way of lease or license, to sell the hot beverages like milk, coffee, tea etc.. in the new bus stand in Tenkasi in Tirunelveli District within a time frame by this Court.

For Appellant : Mr.F.X.Eugene
For Respondent : No appearance

J U D G M E N T

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

The petitioner is aggrieved by order passed in the Writ Petition in W.P(MD).No.18196 dated 21.02.2019, wherein he sought for issuance of Writ of Mandamus to forbear the respondents from giving permission to any other vendor to sell the hot beverages like milk, coffee, tea etc., in the new bus stand in Tenkasi, Tirunelveli District.

2. The Writ Petition was dismissed on the ground that some records were not produced by the appellant. However, we will not go by such technicality, as the issue is whether the licensees of



the shop inside the bus stand complex are entitled to cook food articles in the shops by using either a gas burner or any other type of burner. Admittedly there is a bar for using the shops by cooking food. A condition imposed for cooking is permissible in the place earmarked as hotel in the bus stand complex. This position appears to be standard in all the bus stand complexes in the State of Tamil Nadu. However, in the instant case, since the period of licences alleged to have given itself come to an end, we dispose of this appeal with an observation that the respondent should ensure that the conditions stipulated for the shops, which are given for licence should be strictly adhered.

3. With the above observations, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /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
The Commissioner,
Tenkasi Municipality,
Tenkasi,
Tirunelveli District.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-21418[F] dated 07/07/2021)

Order made in
W.A. (MD) .No.448 of 2019

Dated:
06.07.2021

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