



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.8069 of 2022

K.Anbazhagan

...Petitioner

Vs

1. The District Collector,,
O/o. The District Collector,
Salem District, Salem.

2. The Commissioner,
Mettur Municipality,
Mettur, Salem District.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to allot the petty shop to the petitioner which is situated at near Amma Unavagam, Mettur Dam 636 401, Salem District based the representation of the petitioner dated 24.02.2022 within stipulated time may fixed by this Court.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents: Mr.E.Shanmugam (for R1)
Government Advocate

Mr.S.Indrajith (for R2)
for M/s.L.P.Maurya

O R D E R

Mr.E.Sundaram, learned Government Advocate accepts notice for R1 and Mr.S.Indrajith, learned counsel for Mr.L.P.Maurya, learned counsel for R2, contesting respondent, and is armed with sufficient instructions to enable final disposal of this writ petition even at the stage of admission. Hence, by consent expressed by learned counsel for the petitioner as well as learned counsel for the respondents, this writ petition is disposed even at this stage.

2. The petitioner claims to be differently abled and has enclosed a disability certificate issued by the District Differently Abled Welfare Officer, attesting to 65% disability. He claims to be running a petty shop in Kumaran Nagar Hospital Colony from the year 1979 and also claims to



have been paying taxes. However, there is no proof produced in this regard.

3. In the beginning of 2021, the shop was forcibly removed from its location near the hospital. Learned counsel who appears on behalf of R2 states that such removal was on account of inconvenience caused to the patients and visitors to the hospital as the shop was very proximate to the hospital.

4. The petitioner has made a representation on 15.04.2021 requesting that he be permitted to continue the business in the same place. This representation appears to have been forwarded by the District Legal Service Authority to the District Collector for appropriate action on 30.12.2021, despite which there has been no action taken by the authority. Pursuant thereto, on account of the long silence, the petitioner appears to have forwarded another representation dated 24.02.2022 addressed to R2 upon as well, which there has been no action taken till date.

5. In light of the narration as above, mandamus is issued to R2 directing him/her to consider the representation of the petitioner dated 24.02.2022 and allot a suitable area for running the bunk shop, bearing in mind the personal hardships and difficulties expressed by the petitioner. Let this exercise be completed within a period of six (6) weeks from today.

6. This writ petition stands disposed in the above terms. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vs/ska

To

1. The District Collector,,
O/o. The District Collector, Salem District, Salem.

2. The Commissioner,
Mettur Municipality, Mettur, Salem District.

+1cc to Mr.R.Muruga Bharathi, Advocate SR. No.22948

+1cc to M/s.L.P.Maurya, Advocate SR. No.22955

+1cc to Government Pleader SR. No.23637

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