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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.Nos.10061, 10062 & 10067 of 2022

and

W.M.P.Nos.9766 to 9769, 9773 & 9774 of 2022

|                |                                       |
|----------------|---------------------------------------|
| 1.K.Saraswathi | ...Petitioner in W.P.No.10061 of 2022 |
| 2.P.Meera      | ...Petitioner in W.P.No.10062 of 2022 |
| 3.S.Poongothai | ...Petitioner in W.P.No.10067 of 2022 |

Vs

1.The Project Director / Joint Director,  
Tamilnadu State Rural Livelihood Mission,  
Thiruvallur District.

2.The Block Development Officer,  
Kadambathur Block,  
Kadambathur, Thiruvallur District.

... Respondents in all W.Ps

Common Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the 1<sup>st</sup> respondent in Na.Ka.No.80/2015/DSMS dated 17.03.2022 and quash the same and consequently to direct the 1<sup>st</sup> respondent to allow the petitioners to run the shop.

|                |                                               |
|----------------|-----------------------------------------------|
| In all W.Ps    |                                               |
| For Petitioner | : Mr.J.Kamaraj                                |
| For R1         | : Mr.S.Arumugam<br>Government Advocate        |
| For R2         | : Mr.G.Nanmaran<br>Special Government Pleader |



## COMMON ORDER

The petitioners have come out with the present Writ Petitions challenging the order of the 1<sup>st</sup> respondent in Na.Ka.No.80/2015/DSMS dated 17.03.2022 and for a direction to the 1<sup>st</sup> respondent to allow the petitioners to run the shop.

2. According to the petitioners, in the year 2006, six shops belonging to Perambakkam Village Panchayat were allotted to various self help groups to sell their products. The petitioners were allotted shop Nos. 3, 2 & 1 respectively for carrying on business, details are as follows:

| Shop Nos. | Name of Self Help Group                  | Allottees Name | Name of the Business |
|-----------|------------------------------------------|----------------|----------------------|
| 1.        | TANWAB Agricultural Farm Self Help Group | S.Poongothai   | Handicraft Works     |
| 2.        | Anbu Vazhi Women Self Help Group         | P.Meera        | Computer DTP Center  |
| 3.        | Bhavani Women Self Help Group            | K.Saraswathi   | Embroidery Works     |

3. Subsequently, the President of Perambakkam Village Panchayat sent letter to the 2<sup>nd</sup> respondent stating that self help group are not carrying on business in the place allotted to them but, some other people are carrying on business in the shops allotted to the self help group. Based on the report, the 1<sup>st</sup> respondent directed the 2<sup>nd</sup> respondent to conduct enquiry and submit a report. The 2<sup>nd</sup> respondent conducted enquiry and sent a report stating that one shop was kept vacant and he locked the shop and sent the key along with the agreement, to the 1<sup>st</sup> respondent. The 2<sup>nd</sup> respondent has also stated in the report that the self help groups are not carrying on business as mentioned by them in the agreement and only the following business are carried on in the said shops:

| S.No | Name of Self Help Group/Shop Nos.                    | Name of the person running the shop | Name of the Business |
|------|------------------------------------------------------|-------------------------------------|----------------------|
| 1.   | TANWAB Agricultural Farm Self Help Group / Shop No.1 | Navanithakrishnan                   | Welding Shop         |



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| S.No | Name of Self Help Group/Shop Nos.                    | Name of the person running the shop | Name of the Business  |
|------|------------------------------------------------------|-------------------------------------|-----------------------|
| 2.   | Kasturbai Gandhi Women Self Help Group / Shop No.5   | Murugan                             | Falls ceiling shop    |
| 3.   | Bhavani Women Self Help Group / Shop No.3            | Johnson                             | Two Wheeler seat work |
| 4.   | Anbu Vazhi Women Self Help Group / Shop No.2         | Parasuraman                         | Cell phone shop       |
| 5.   | Draupathi Amman Women Self Help Group / Shop No.4    | Loganathan                          | Two Wheeler workshop  |
| 6.   | TANWAB Agricultural Farm Self Help Group / Shop No.6 | Saravanan                           | Vacant                |

4. Based on the said report, the 1<sup>st</sup> respondent directed the petitioner and others to vacate and handover the possession on or before 31.03.2022. Challenging the same, the petitioners have come out with the present Writ Petitions.

5. The learned counsel appearing for the petitioners submitted that due to change in circumstances, petitioners are not able to do the business for which the shops were allotted and are carrying on some other business through their family members. Without giving any opportunity to the petitioner, the impugned order is passed, which is illegal and prayed for setting aside the order and allowing the Writ Petitions.

6. Mr. S. Arumugam, learned Government Advocate appearing for the 1<sup>st</sup> respondent and Mr. G. Nanmaran, learned Special Government Pleader appearing for the 2<sup>nd</sup> respondent produced photographs and submitted that originally the shops were allotted by the panchayat for self help group in the year 2006. Subsequently, they have not carried on business but they have sublet the shops to some third parties and various other business are carried on in the said shops. Based on the letter of the President, Perambakkam Village Panchayat, the 1<sup>st</sup> respondent directed the 2<sup>nd</sup> respondent to conduct enquiry to inspect the shops. The 2<sup>nd</sup> respondent inspected the shops and found that Shop No.6 was kept vacant and in other five shops Welding work, Falls ceiling work, Two Wheeler seat work, Cell phone shop and Two Wheeler workshop business are carried on and sent report to the 1<sup>st</sup> respondent. Based on the report of the 2<sup>nd</sup> respondent, the 1<sup>st</sup> respondent has passed the impugned order, which is valid and legal and prayed for dismissal of the Writ Petition.



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7. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1<sup>st</sup> respondent as well as learned Special Government Pleader appearing for the 2<sup>nd</sup> respondent and perused the materials on record.

8. From the materials on record, it is seen that in the year 2006, the shops were allotted to the self help groups in order to help them to sell their products in six shops belonging to the Perambakkam Village Panchayat. Admittedly the petitioners are not carrying on business for which the shops were allotted to them. In the said shops welding work, falls ceiling work, two wheeler seat work, cell phone shop and Two wheeler workshop are being carried on by some individuals. From the report of the 2<sup>nd</sup> respondent, it is clear that self help group is not carrying on the business for which the shops were allotted to them. In view of the above, the petitioners are not entitled for the relief sought for in these Writ Petitions

9. For the above reasons, all the Writ Petitions are dismissed. It is open to the respondents 1 & 2 to take possession of the shops. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Project Director / Joint Director,  
Tamilnadu State Rural Livelihood Mission,  
Thiruvallur District.
2. The Block Development Officer,  
Kadambathur Block,  
Kadambathur, Thiruvallur District.

+1cc to Mr.J.Kamaraj, Advocate, S.R.No.27662  
+1cc to Mr.J.Kamaraj, Advocate, S.R.No.27663  
+1cc to the Government Pleader, S.R.No.27959

[09/06/2022]

W.P.Nos.10061, 10062 & 10067 of 2022

CA[co]  
NSK/26/05/2022