



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15380 of 2017

and

W.M.P.No. 16695 of 2017

S.Selvi

...Petitioner

Vs.

1. District Collector,
Dharmapuri District Collector Office,
Dharmapuri.
2. Superintendent of Police,
Dharmapuri District,
Dharmapuri.
3. Inspector of Police,
B1 Police Station,
Dharmapuri,
Dharmapuri Dt.
4. Commissioner,
Dharmapuri Municipality,
Dharmapuri.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 not to interfere with petitioner's business of vending tea, coffee and cool drinks in a shop No.9, located in the Dharmapuri Moffusil Bus Stand round the clock throughout the year in terms of license granted by the 4th respondent.

For Petitioner : Mr.Balan Haridoss

For Respondents: Mr.M.Shahjahan,
Special Govt. Pleader for R1 to R3

Mrs. A. Srijyanthi for R4



O R D E R

This Writ Petition has been filed seeking a direction directing the respondents 2 and 3 imposing restriction on the petitioner not to run the tea shop after 11.00 p.m.

2.The grievance of the petitioner is that, the petitioner is a licensee to run tea and fruit drinks shop in the Municipal Bus Stand belong to the 3rd respondent Dharmapuri Municipality. All of a sudden, the respondents 2 and 3 viz., the Superintendent of Police and Inspector of Police directing the petitioner not to open the shop after 11.00 p.m. without any reason whatsoever.

3.Mr.Balan Haridas, learned counsel appearing for petitioner would submit that, the Dharmapuri Bus stand is one of the busiest bus stand and State buses are plying throughout the night. Absolutely there is no law and order problem arises thereon. In the said circumstances, without any reason whatsoever, the police department preventing the petitioner from running the shop after 11.00 p.m., which is highly arbitrary.

4.Per contra, Mr.M.Shahjahan, learned Special Government Pleader appearing for respondents 1 to 3, on instructions, would submit that, since there is a law and order problem in Dharmapuri Town and in order to avoid any untoward incidents, the police department had cautioned the petitioner not to run the shop beyond 11'o clock. There is no illegality in it.

5.Mrs.A.Srijayanthi, learned counsel appearing for 4th respondent would submit that, the petitioner is a licensee and she is running tea shop in Dharmapuri Town bus stand.

6.Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

7.Admittedly, the petitioner is a licensee to run a tea and fruit drink shop in Dharmapuri Town bus stand and there is no restriction in the order of granting license and no time limit is fixed for running the shop. However, the police authorities only asking the petitioner to close the shop beyond 11'o clock. Even though it is submitted that, there is a law and order problem in the area, there is no material available on record to substantiate the same. Considering those circumstances, the action of the respondents is affecting the petitioner's livelihood, and being a licensee can run the shop as per the license conditions, the police department without any plausible reasons, cannot direct the petitioner to close the shop beyond 11'o clock. Hence, this Writ Petition is liable to be allowed. Accordingly, this Writ Petition is allowed and the respondents 2 and 3 are directed not to compel the petitioner to close the



shop after 11.00 p.m. It is also made clear that in any law and order problem arise in that area, it is always open to the respondents to take appropriate action in accordance with law. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpp

To

1. District Collector,
Dharmapuri District Collector Office,
Dharmapuri.
2. Superintendent of Police,
Dharmapuri District,
Dharmapuri.
3. Inspector of Police,
B1 Police Station,
Dharmapuri,
Dharmapuri Dt.
4. Commissioner,
Dharmapuri Municipality,
Dharmapuri.

+1cc to M/s.A.SriJayanthi, Advocate, S.R.No.12953

+1cc to Mr.Balanharidas, Advocate, S.R.No.13227

+1cc to the Government Pleader, S.R.No.13755

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SPD(CO)
RGA(07/04/2022)