



WEB COPY

W.P(MD)No.13328 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.13328 of 2022

A.Kuruvammal

... Petitioner

Vs.

1.District Collector,
Office of the District Collector,
Sattur Road, Virudhunagar-626 002.

2.The Assistant Divisional Engineer,
Highways Department,
Arupukottai, Virudhunagar.

3.The Assistant Engineer,
Highways Department,
Arupukottai, Virudhunagar.

4.Dhanasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to run her tiffin centre namely Ramana Tiffin Centre in the same location in Arupukottai-Palliyampatti road and further direct the first respondent to consider the petitioner's representation dated 20.06.2022.

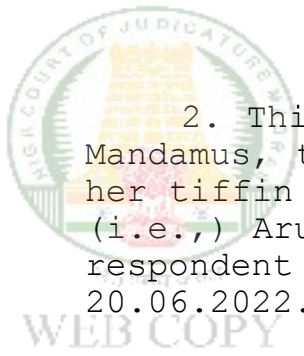
For Petitioner : Mr.I.Abrar Md. Abdullah

For Respondent : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R3

O R D E R

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.I.Abrar Md. Abdullah, learned counsel appearing for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondent Nos.1 to 3.



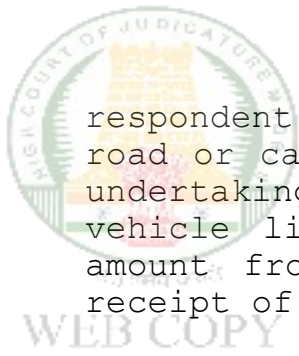
2. This Writ Petition has been filed for issuance of a writ of Mandamus, to direct the respondents to permit the petitioner to run her tiffin centre, namely, Ramana Tiffin Centre in the same location (i.e.,) Aruppukottai-Pallayampatti road and further direct the first respondent to consider the petitioner's representation, dated 20.06.2022.

3. In the affidavit filed in support of this petition, the petitioner has stated that she is a widow and she has five daughters. She is the sole breadwinner in the family and she had started a small tiffin centre in a stationed Van, by name, Ramana Tiffin Center in the road side of Aruppukottai to Pallayampatti. The petitioner received a notice dated 20.06.2022 issued by the third respondent asking her to evict the road side shop from the said location. The petitioner, after receiving the notice, requested the second respondent to permit her to continue her business in the same locality. However, her request was rejected by the second respondent. Thereafter, the petitioner has approached the District Collector and gave a representation to permit her to continue her business in the same locality, from where she was asked to evict. The grievance of the petitioner is that while the representation of the petitioner is pending before the first respondent, the Highways Department has taken away her vehicle. In this regard, she has tried to give a complaint to B1 Town Police Station, Aruppukottai as she was illegally removed from the place where she was doing business.

4. From the materials available on record, it is seen that the petitioner has not produced any licence that was given to her by the local body. The petitioner has encroached the road portion causing nuisance to the public. The third respondent has taken action against her for removal of encroachment. Since the petitioner does not dispute that she was doing business without any licence or permission from the Highway Authorities, this Court is unable to find any merit in this writ petition. The petitioner has not obtained any prior permission from the local body or the Highways Department to run the tiffin centre.

5. Having regard to the admitted facts of the case, this Court is not inclined to entertain this writ petition. It is true that the petitioner was doing business to meet out her family expenses. However, no permission has been granted to the petitioner to run the tiffin centre in the road side. The petitioner has approached this Court ignoring hardships and the nuisance to the public. Taking into consideration the fact that the petitioner is a widow, no cost is imposed on her. It is represented by the learned counsel appearing for the petitioner that the petitioner was running a tiffin centre by having a kitchen in the Van and the respondents have taken away the vehicle to remove the encroachment.

6. In view of the facts as narrated above, the petitioner is <https://hcservices.tn.gov.in/hcservices/> an affidavit of undertaking before the third



respondent that she will not make an attempt to encroach the public road or cause nuisance to the public in future. On receipt of such undertaking, the third respondent is directed to hand over the vehicle like structure to the petitioner, without collecting any amount from her, within a period of one week from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Ssb

To:

- 1.The District Collector,
Office of the District Collector,
Sattur Road, Virudhunagar-626 002.
- 2.The Assistant Divisional Engineer,
Highways Department,
Arupukottai,
Virudhunagar.
- 3.The Assistant Engineer,
Highways Department,
Arupukottai,
Virudhunagar.

+1 CC to M/s.SPL.GP (SR-28519[F] dated 28/06/2022)

W.P (MD) No.13328 of 2022

27.06.2022

_RD(06.07.2022) 3P 5C