



W.P(MD)No.17320 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17320 of 2022

and

W.M.P.(MD)Nos.12634 & 12636 of 2022

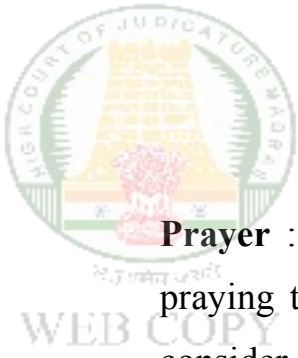
- 1.S.Nitish Kumar
- 2.G.Umamaheswari
- 3.A.Rajendran
- 4.D.Kaliyamurthy
- 5.A.Bakrudeen
- 6.S.Murugan
- 7.S.Srinivasan
- 8.S.Banumathy
- 9.K.Rajeswaran
- 10.J.Barbara Mary Kalista
- 11.Sheik Mohammad

... Petitioners

Vs.

The Southern Railway,
Rep. by its Senior Divisional Commercial Manager,
Having Office at
Divisional Office,
Commercial Branch,
Trichy.

... Respondent



W.P(MD)No.17320 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to consider the petitioners common representation dated 21.07.20220 seeking to grant license in the petitioners name for the petition mentioned shops within time frame as fixed by this Court.

For Petitioners : Mr.AN.Ramanathan

For Respondent : Mrs.L.Victoria Gowri
Assistant Solicitor General

ORDER

Heard the learned counsel appearing for the petitioners and the learned Assistant Solicitor General appearing for the respondent.

2. The petitioners claim that they are running small shops in the premises belonging to the respondent. The petitioners are alleging that they are now sought to be dispossessed. The petitioners want the respondents to recognise their occupation by granting them license. With this prayer, this Writ Petition has been moved.

3. When the matter was taken up for hearing, the learned Assistant Solicitor General appearing for the respondent pointed out that the petitioners have already filed a civil suits in O.S.No.109 of 2020 on the file of the



W.P(MD)No.17320 of 2022

Principal Sub Court, Trichy seeking the relief of injunction. When the petitioners have already filed an injunction suit, maintaining a parallel writ petition for any relief may not really arise. Of-course, the learned counsel appearing for the petitioners would point out that in this writ petition, the relief sought for is issuance of license. But then, the respondent being a state instrumentality cannot arbitrarily issue license. They will have to follow due process in the matter of issue of license. The manner regarding issue of license will of-course fulfil the standard set out in Article 14 of the Constitution of India. This Court cannot adjudicate regarding mode in which the license is to be issued. That is left to the discretion of the respondent. No relief can be granted in this writ petition.

4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.08.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.17320 of 2022

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W.P(MD)No.17320 of 2022

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