



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.21540 of 2021

and W.M.P. (MD) .No.18096 of 2021

WEB COPY

V.Ravi

.. Petitioner

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Thanjavur.

3.The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Thanjavur.

4.The Commissioner,
Thanjavur Corporation,
Thanjavur.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 4th respondent from interfering with reconstruction and running of Aavin booth in Highways and in KM 75/0 of Perambalur-Manamadurai Road (Right side) as per the permission granted by the 2nd respondent in Letter Na.Ka.No.469/2014-JDO.2, dated 29.05.2014 and the licence granted by the Thanjavur District Co-operative Milk Producers Union Limited in Na.Ka.No.160/Sale/2002, dated 20.06.2014, in consideration of the representation submitted by the petitioner, dated 08.11.2021.

For Petitioner : Mr.A.Arun Prasad

For Respondents : Mrs.S.Jeyapriya for R1 to R3
Government Advocate
Mr.N.Dilip Kumar for R4
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking to forbear the fourth respondent from interfering with the reconstruction of the Aavin Booth allotted to the petitioner, which according to the petitioner, is damaged due to the cyclone.



2.Heard Mr.A.Arun Prasad, learned counsel for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate, appearing for the respondents 1 to 3 and Mr.N.Dilip Kumar, learned Standing Counsel appearing for the fourth respondent.

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3.According to the petitioner, he was allotted an Aavin Booth at Perambalur - Manamadurai Road, which falls in the Highways. According to him, during the cyclone his Aavin Booth has got damaged and now he wanted to reconstruct the same. But the fourth respondent objected to the same. In such circumstances, he has given a representation to the first respondent on 08.11.2021, seeking permission to reconstruct the Aavin Booth. Since the said representation has not been considered till date, he has filed this writ petition.

4.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the fourth respondent and any other necessary party, which the first respondent deem fit to enquire. The petitioner has filed certain documents / photographs to show that the Aavin Booth has got damaged. Those documents /photographs will have to be examined by the first respondent before passing the final orders.

5.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 08.11.2021, seeking permission for the petitioner to reconstruct the Aavin Booth, which was damaged at Perambalur - Manamadurai Road (Right side) and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the fourth respondent and any other necessary party, which the first respondent deem fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

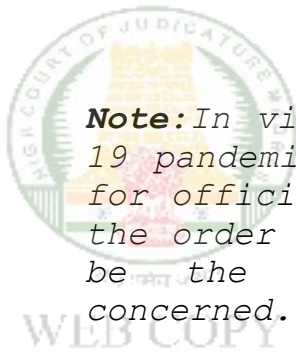
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/ /2022

Sub Assistant Registrar(CS)

TM

<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

**(*)To be Substituted the order already despatched
on 04.03.2022**

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Thanjavur.
- 3.The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Thanjavur.
- 4.The Commissioner,
Thanjavur Corporation,
Thanjavur.

COPY TO:

- 1.THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN DISTRICT, TUTICORIN.
- 2.THE SUB REGISTRAR,
ETTIYAPURAM,
TUTICORIN DISTRICT,
TUTICORIN.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-9613[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9440[F] dated 02/03/2022)

W.P. (MD)No.21540 of 2021
01.03.2022

CK (CO)

GC (03.06.2022) 3P 9C