



WP(MD)No.12609 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Paramakudi Palani Murugan Auto Drivers
and Owners Welfare Association,

Rep. by its Secretary

R.Sathish Kumar

... Petitioner

v.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Tahsildar,
Paramakudi,
Ramanathapuram District.
- 4.The Municipal Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.



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5.The Superintendent of Police,
Paramakudi,
Ramanathapuram District.

6.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

7.Murugan

... Respondents

[R.7 impleaded vide order dated 11.08.2022]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the first respondent to forbear the respondents 2 to 4, 6 from their illegal act of restraining the petitioner's association members from parking the Auto at opposite to Kathir Sweets, Sunnambukara Street, Paramakudi, where they were allotted to park the Auto and consequently, permit the members of the petitioner's association to park the Auto continuously at the said place, based on the petitioner's representation dated 09.06.2022.



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For Petitioner : Mr.M.Subash Babu,
Senior Counsel
Assisted by
Mr.K.Sathish Kumar

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1 to R.3

Mr.M.Kannan for R.4

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
for R.5, R.6

Mr.D.Balamurugapandi for R.7

ORDER

The petitioner, Auto Drivers and Owners Association, has filed this writ petition for a mandamus directing the first respondent / District Collector to forbear the respondents 2 to 4 & 6 from restraining the members of the petitioner Association from parking their vehicles opposite to Kathir Sweets, Sunnambukara Street, Paramakudi.



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WEB COP 2. Learned Senior Counsel appearing for the petitioner Association claim that they have been authorized and permitted by the official respondents to park their vehicles in front of Kathir Sweets, Sunnambukara Street, Paramakudi. However, at the instance of the shop owners Association, the official respondents are now preventing them from parking their vehicles.

3. Learned Government Advocate (Crl. Side), on instructions, submitted that based on the petitioner's representation, he was called upon for enquiry, however, the petitioner has refused to appear for the enquiry before the Inspector of Police.

4. Heard the learned Counsel appearing for the respective parties.

5. The petitioner / Auto Drivers and Owners Association cannot claim it as a matter of right that they can park their vehicles in the road margin, in front of some shops. No doubt, they are having right of livelihood. Similarly, the Shop Owners are also having a right of livelihood.



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6.The fourth respondent / Municipality shall allot some other undisputed place for the parking of the vehicles by the petitioner Association, on payment basis, after ascertaining from the concerned Inspector of Police as to whether it would cause any inconvenience to the traffic flow in that area. Such a decision shall be taken, after providing an opportunity of hearing to the petitioner Association, the Shop Owners Association, within a period of six weeks from the date of receipt of a copy of this order.

7.If the place so identified for parking comes in a Highway Road, then the authority for consideration is the Highways Department and not the fourth respondent Municipality. Therefore, such decision shall be taken by the Highways Department.

Accordingly, this writ petition stands disposed of. No costs.

Index : Yes / No
NCC : Yes / No
gk

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B.PUGALENDHI, J.

gk

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