

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.15753 of 2022
and WMP(MD)No.12035 of 2022

A.L.Ayub Naveen

... Petitioner

Vs

1.The District Collector,
Madurai.

2.The Deputy Director of Health Services,
Viswanathapuram, Madurai.

3.The Commissioner of Police,
Madurai City, Madurai.

4.Mohamed Ismail
(4th respondent impleaded as per
order of this Court, dated 29.03.2023)

... 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 take immediate and necessary actions to stop functioning the unauthorized optical business activities being practiced by quacks in the petitioner's owned premises, by considering the representation, dated 01.06.2022.

For Petitioner : Mr. A.K.Hemraj
For R1 to R3 : Mr.D.S.Nedunchezian
Government Advocate
For R4 : Ms.Yasmin Begum

ORDER

The Writ Petition has been filed by a land owner, complaining about a third persons running a shop as that, without obtaining a proper license from the concerned authorities. Therefore, he seeks a mandamus against the respondent, to take immediate action.

2.In fact, the petitioner has used a term 'quack', the word is used since the writ petitioner does not even know the credentials of the said individual.

3.The writ petitioner was directed to implead one Mohamed Ismail as the fourth respondent in the writ petition. He had filed a petition in WMP(MD)No.12035 of 2022. Notice had been issued and learned counsel has represented on behalf of said Mohamed Ismail. Since the said Mohamed Ismail is a necessary party, the impleading petition is allowed. Registry is

directed to implead the fourth respondent in the writ petition, before issuing the order copy.

4.The grievance of the petitioner is that he had a tenant, who had expired. Thereafter, the fourth respondent had occupied the building and commenced conductive the business, without obtaining proper license.

5.Rent Control Proceedings are also pending between the parties.

6.A direction is given to the respondent, to issue notice to the petitioner and the fourth respondent, find out the fact whether the fourth respondent has obtained proper license from the concerned authorities to run the business, whether the fourth respondent is having qualification to conduct such business, or else take an appropriate action in accordance with rules and regulations. The said exercise should be completed, within a period of twelve weeks, from the date of receipt of a copy of this order. No further orders are required in the writ petition.

7.With the above directions, this writ petition stands disposed of.

No costs.

29.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

- 1.The District Collector,
Madurai.
- 2.The Deputy Director of Health Services,
Viswanathapuram, Madurai.
- 3.The Commissioner of Police,
Madurai City, Madurai.

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.15753 of 2022
and WMP(MD)No.12035 of 2022

29.03.2023