



W.P(MD)No.10477 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10477 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

L.Selvi

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Divisional Engineer,
Office of the Divisional Engineer,
Highways, C&M,
Virudhunagar District.
- 3.The Assistant Divisional Engineer,
Office of the Assistant Divisional Engineer,
Highways, Aruppukottai,
Virudhunagar District.
- 4.The Commissioner,
Office of the Commissioner,
Aruppukottai Municipality,
Virudhunagar District.



W.P(MD)No.10477 of 2015

5. The General Manager,
Virudhunagar District Co-operative
Milk Producers Union,
Meenakshipuram Road,
Srivilliputhur,
Virudhunagar.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.3782/2015/f1 dated 11.05.2015 on the file of the fourth respondent and quash the same as illegal and consequently direct the respondents 1 to 5 to permit the petitioner to reinstall the petitioner's shop in an extent of 8x6 feet box situated at Km 49/21 of Madurai - Tuticorin Road, Opposite Tahsildar office, Aruppukottai, Virudhunagar District within the time frame fixed by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard both sides.

2. The writ petitioner was running an Aavin Milk Booth outside the Government Hospital, Aruppukottai. The petitioner had obtained permission from all the concerned authorities. It was not an encroachment at all. However,



W.P(MD)No.10477 of 2015

on 05.02.2015, the Milk Booth was demolished by the authorities. Seeking restoration as well as payment of damages, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner took me through the contents of the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The stand of the local body is that they had merely carried out the directive issued by the then District Collector, Virudhunagar. I therefore called upon the respondents to have a clarificatory affidavit filed by the then District Collector. Pursuant to the direction given by this Court, additional affidavits have been filed. It is stated by the then District Collector, Virudhunagar that during the relevant time, severe threat to public health was posed by dengue pandemic and only to quell the same, certain measures were ordered to be taken by him and that the subordinate authorities have misconstrued the direction given by him. It is categorically stated by him that he never directed the authorities to bypass due process of law.



W.P(MD)No.10477 of 2015

5. The explanation given by the then District Collector, Virudhunagar is accepted. But the fact remains that the petitioner has suffered damage as a result.

6. The present District Collector, Virudhunagar has graciously come forward to make good the loss caused to the petitioner. Certain proactive steps have been taken and certain sites have been identified wherein the petitioner can locate her Milk Booth. The learned counsel appearing for the petitioner submits that she is not in a position to raise funds for installing a new Milk Booth. The respondents will arrange the installation of the Milk Booth also.

7. Recording the stand of the first respondent to alleviate the concerns of the petitioner as mentioned above, this writ petition is disposed of. The petitioner is directed to maintain the Milk Booth free of any kind of deviation. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.09.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



W.P(MD)No.10477 of 2015

To

WEB COPY

1. The District Collector,
Office of the District Collector,
Virudhunagar District,
Virudhunagar.
2. The Divisional Engineer,
Office of the Divisional Engineer,
Highways, C&M,
Virudhunagar District.
3. The Assistant Divisional Engineer,
Office of the Assistant Divisional Engineer,
Highways, Aruppukottai,
Virudhunagar District.
4. The Commissioner,
Office of the Commissioner,
Aruppukottai Municipality,
Virudhunagar District.
5. The General Manager,
Virudhunagar District Co-operative
Milk Producers Union,
Meenakshipuram Road,
Srivilliputhur,
Virudhunagar.



WEB COPY



W.P(MD)No.10477 of 2015

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.10477 of 2015
and
M.P(MD)Nos.1 & 2 of 2015

25.09.2023