



W.P.(MD)No.20604 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20604 of 2021
and
W.M.P.(MD).No.18149 of 2021

T.Rajendran

... Petitioner

Vs

1.The Divisional Engineer,
Highways Department,
Rajapalayam,
Virudhunagar District.

2.The Assistant Divisional Engineer,
Highways Department,
Rajapalayam,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent herein to consider the new request submitted by the petitioner vide representations dated 18-10-2019 and 05-10-2021 prior to taking any coercive steps.

For Petitioner : Mr.R.Niresh Kumar

For R-1 & R-2 : Ms.D.Farjana Ghoushia,
Special Government Pleader



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ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to consider the representations made by the petitioner on 18.10.2019 and 05.10.2021, wherein, the petitioner is seeking for grant of license to him to run the petty shop.

2. Heard the learned counsel on either side.

3. The Highways Department had permitted the father of the petitioner to run a petty shop on the ground that he was an Ex-Service man. He was running the petty shop from the year 2003 up to 2006. He passed away on 15.06.2006. Thereafter, the petitioner was running the petty shop and steps were taken by the Highways Department to vacate the petitioner. The petitioner made a representation to give the license in his favour. Since the same was not considered, the present Writ Petition has been filed before this Court.



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4. In the considered view of this Court, the petitioner does not have any legal right to seek for the license from the respondents. In the absence of a legal right, there is no corresponding duty on the part of the respondents and hence, this Court cannot issue a writ of mandamus. The relief as sought for by the petitioner cannot be granted by this Court and this Writ Petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

16.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The Divisional Engineer,
Highways Department,
Rajapalayam,
Virudhunagar District.

2.The Assistant Divisional Engineer,
Highways Department,
Rajapalayam,
Virudhunagar District.



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N.ANAND VENKATESH, J.

tsg

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