



W.P(MD)No.26465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26465 of 2023

and

W.M.P.(MD)No.22758 of 2023

Ganesan

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

3.The Deputy Superintendent of Police,
Thirukkaattupalli,
Thanjavur District.

4.The Inspector of Police,
Budalur Police Station,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent not to disturb the petitioner's cracker shop demanding renewed license in License No.4/2015-2016, situated in RS No.149B/3, Vinnamangalam Village, Budalur Taluk, Thanjavur District.



W.P(MD)No.26465 of 2023

For Petitioner : Mr.T.Augustine Ebenezer

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R2
: Mr.M.Veeranthiran for R1, R3 & R4

WEB COPY

ORDER

Heard both sides.

2. The petitioner has been running the cracker shop since 2015. He was granted license. The said license is being renewed every year. The petitioner's case is that he submitted the renewal application in time. Since no order has been passed, it should be deemed to have been renewed. The petitioner alleges that he is being harassed by the authorities. That led to filing of this writ petition.

3. When the matter was taken up for hearing, the learned Special Government Pleader submitted that the issue does not pertain to renewal of the petitioner's license. Instead, the petition is regarding allocation of the petitioner's shop. According to the respondents, the petitioner's shop is not located in the patta land but in the water body. The respondents also claim that survey was done.



W.P(MD)No.26465 of 2023

4. The petitioner through his counsel submits that he may be allowed to carry on his business activities as before till 15.11.2023. The petitioner gives further undertaking that he close down the shop on the said date.

5. Recording the said submission, the writ petition is disposed of by directing the respondents to permit the petitioner to carry on his business as before till 15.11.2023. I need to take note of the submission of the learned Special Government Pleader that there has been encroachment of the lake area. A mere look at the 'A' register entry would indicate that Survey No.149/2A has been measuring 1 54.0 and it has been classified as 'lake'. The entire lake shall be surveyed once again by the authorities concerned. This shall be done as expeditiously as possible. Survey notice will be issued to all the parties concerned. All the encroachment found in Survey No.149/2A shall be removed by adhering to due process of law.

6. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2023

Index : Yes / No

Internet : Yes/ No

rmi

NOTE:Issue Order Copy on 03.11.2023.



WEB COPY



W.P(MD)No.26465 of 2023

G.R.SWAMINATHAN, J.

rmi

To

The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

W.P(MD)No.26465 of 2023

03.11.2023