



W.P(MD)No.28172 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28172 of 2023

A.Francis Xavier

... Petitioner

Vs.

The Executive Officer,
Kanyakumari Selection Grade Panchayat,
Kanyakumari,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to permit the petitioner to have removable temporary tarpaulin or other removable materials as roof at Shop No.4, located at Rajiv Gandhi Road, located at Rajiv Gandhi Road to Government Museum, Kanyakumari, Kanyakumari District.

For Petitioner : Mr.KA.Raamakrishnan

For Respondent : Mr.M.Prakash,
Addl. Government Pleader.



W.P(MD)No.28172 of 2023

ORDER

Heard the learned counsel on either side.

2.The petitioner has been granted license to run a temporary shop at the petition mentioned site. The license is valid upto 20.01.2024. The license commenced on 17.11.2023. Such licenses are issued to cater to the needs of Sabarimala pilgrims. The only request made by the petitioner is to permit him to put up a tarpaulin sheet which can act as a kind of roof so as to protect the business articles. The writ petition has come up for admission today. I have not received the full inputs regarding ground reality. I, therefore, permit the petitioner to move the respondent and it is open to the respondent to grant permission to the petitioner to have an appropriate arrangement which will protect the petitioner's articles from any adverse weather condition. The respondent's proceedings should indicate that due regard has been had to the petitioner's human rights. A hawker or vendor cannot be expected to stand in hot sun without any protective covering. Therefore, an umbrella like structure can also be permitted to be used by the petitioner. I am not



W.P(MD)No.28172 of 2023

going to give the exact details, but an appropriate arrangement will be worked out by the respondent. Of course, it should not lead to breach of the license terms and conditions. Such an arrangement will be worked by the respondent immediately and without any delay. Such an arrangement will of course have to be at the petitioner's expense and costs.

3.This writ petition is allowed on these terms. No costs.

29.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 30.11.2023.

To:-

The Executive Officer,
Kanyakumari Selection Grade Panchayat,
Kanyakumari,
Kanyakumari District.



WEB COPY



W.P(MD)No.28172 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.28172 of 2023

29.11.2023