



WEB COPY



W.P.No.10996 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10996 of 2020

and

W.M.P.No.13387 of 2020

Hayath Basha

... Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Assistant Commissioner,
HR and CE Department,
Tiruvannamalai.

3. The Secretary,
Senaithalaivar Madam,
95/194, Thiruvoodal Street,
Tiruvannamalai.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the 1st and 2nd respondent from interfering in to the business activities of the petitioner in



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the name and style of “Star Biriyani” running at Door No.97, Thiruvoodal Street, Tiruvannamalai Town.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.P.Bala Thandayutham
(for R1)

Mr.K.Karthikeyan,
Government Advocate (HR & CE)
(for R2)

No Appearance (for R3)

ORDER

The writ of Mandamus has been instituted to forbear the 1st and 2nd respondents from interfering into the business activities of the petitioner in the name and style of “Star Briyani” running at Door No.97, Thiruvoodal Street, Tiruvannamalai Town.

2. The third respondent is a Madam, which is an endowment under the HR & CE Act and owning building at Door No.97, Thiruvoodan Street, Tiruvannamalai Town.



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3. The petitioner states that his father was, a tenant under the third respondent. The father of the petitioner was running a shop in the name and style of “Star Briyani”. After his demise, the petitioner is in occupation of the shop.

4. Learned Counsel appearing on behalf of the second respondent made a submission that a religious place is situated nearby and therefore, as per the Provisions of HR & CE Act and as per the Government Order issued in G.O.Ms.No.73, Tourism Culture and Religious Endowment, dated 28.03.2018, the shops and buildings shall not be leased out to run liquor shops, mutton shops or any other objectionable trade or business contrary to the Hindu religious sentiments. Therefore, running biryani shop nearby the religious institution is not permissible and thus, the relief as such sought for in the present writ petition cannot be granted.

5. It is brought to the notice of this Court that the petitioner had already shifted his premises from the objectionable building and therefore, no cause exist. More so, the relief as such sought for cannot be granted in view of the fact that the petitioners had already shifted from the objectionable place.



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6. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

03.01.2024

Index : Yes

Speaking Order

Neutral Citation : Yes

(sha)

To

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S.M.SUBRAMANIAM. J.,

(sha)

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