



WEB COPY



W.P. No. 24526 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. No. 24526 of 2024

Kannusamy

... Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal-637 003.
2. The Superintendent of Police,
Namakkal District,
Namakkal-637 003.
3. The Deputy Superintendent of Police,
Namakkal District,
Namakkal-637 001.
4. The Inspector of Police,
Paramathi Police Station,
Namakkal Distirct.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to permit the petitioner to keep open his shop namely Aroma Tea Park situated at Namakkal to Karur Bypass Toll Plaza, Rasampalayam, Keerambur Taluk, Namakkal District for 24 X 7 for all days of the year.



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For Petitioner : Mr.N.Palanisamy
For Respondents : Mr. S. Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner herein running his tea shop on the High way for 24 X 7 based on the G.O.Ms.No.61 of 2022 dated 02.06.2022. While so, he has been orally instructed to close the shop during the night hours, since the case of attempt to rob near the shop came to be registered on 16.08.2024 under Section 309 of BNSS Act.

2. The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the crime and infact the offence and offenders were able to be traced only based on the C.C.Tv footage recorded in the camera kept by the petitioner. While so, forcing the petitioner to close down the shop, contrary to G.O is against law.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police on instructions submits that the incident of attempt robbery, the subject matter of Cr.No.216 of 2024 dated 16.08.2024 to avoid recurrence of the crime, the petitioner been orally instructed not to keep the shop open all over the night.



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4. This Court on perusing the G.O.(Ms).No.61, Labour Welfare and Skill Development dated 02.06.2022 find that the Government has exempted all shops and establishment, employing 10 or more persons from the provision of sub section (1) of Section 7 and sub section (1) of Section 13 of the Tamilnadu Shops and Establishments Act, 1947 and permits the shops to keep open 24 X 7 on all days of the year.

5. The petitioner's shop is run with the help of more than 10 persons. Therefore, falls under the exception provided under the said G.O. While so, for the said incident occurred near the shop, the petitioner cannot be prevented from his lawful business. Hence, the second respondent is hereby directed not to disturb peaceful business of the petitioner here unless and until if there is any adverse information of illegal activity carried in the shop.

6. The petitioner herein is advised to keep the C.C.Tv Camera alive at all times so as to enable the police to monitor the movements in and around the petitioner's premises.



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7. With the above direction, this Writ Petition is disposed of. No order as to costs.

27.08.2024

Vv

To

1. The District Collector,
Namakkal District,
Namakkal-637 003.
2. The Superintendent of Police,
Namakkal District,
Namakkal-637 003.
3. The Deputy Superintendent of Police,
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Dr.G.JAYACHANDRAN,J.

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