



WEB COPY



W.P. No. 35991 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 35991 of 2023

P.Ramamoorthy

... Petitioner

-VS-

1. The District Collector-cum-District Magistrate,
Office of the District Collector,
Puducherry – 605 001.
2. The Commissioner,
Food Safety, Local Administration Department,
Chief Secretariat,
Puducherry.
3. The Commissioner,
Puducherry Municipality,
Puducherry.
4. The Member Secretary,
Puducherry Pollution Control Committee,
Anna Nagar,
Puducherry – 605 005.
5. M/s. Athirai Restaurant,
Represented by its Proprietor, Gowri,
No. 16-A, Needarajapayar Street,
Puducherry Municipality,
Puducherry – 605 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Fourth



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Respondents to take appropriate actions against the Fifth Respondent in furtherance to the Petitioner's representation dated 10.11.2023.

For Petitioner : Mr. K.R.Arun Shabari
For Respondents : Mr. M.Nirmal Kumar,
Government Advocate (Puducherry)
(for R1 to R4)

ORDER

Heard Mr. K.R.Arun Shabari, Learned Counsel for the Petitioner and Mr. M.Nirmal Kumar, Learned Government Advocate appearing for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth Respondent, notice to it is dispensed with.

3. The Writ Petition has been filed for directing the First to Fourth Respondents to take appropriate actions against the Fifth Respondent in furtherance to the representation dated 10.11.2023 made by the Petitioner.



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4. The Third Respondent has filed a memo dated 10.01.2024 stating as follows:-

“2. It is pertinent to state that originally the Fifth Respondent was running their vegetarian restaurant in the name and style of 'M/s Atherai' from No. 16-A, Needarajpaier Street at Canteen street junction (vide municipal licence No. 1020210413), adjacent to the Petitioner's saloon, which according to the Petitioner cause trouble to him due to the exhaust used etc.

3. It is pertinent to state that the Fifth Respondent closed their operation at the canteen street junction in Needarajapayar street mentioned in the cause title (adjacent to the Petitioner's saloon) and sought municipal licence to operate from No. 48 & 50, Needarajapayar street vide application No. 4066 received on 06.11.2023.

4. It is further submitted that upon receipt of additional type set filed by the Petitioner with a bill dated 08.1.2024 purportedly issued by the Fifth Respondent from No. 16A, Needarajapayar



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*street, the representatives of the Third Respondent, i.e., the Commissioner Puducherry Municipality visited the spot to inspect the premises. On inspection, it was found that the Fifth Respondent's premises mentioned in the Petitioner's affidavit as also in the bill dated 08.01.2024 filed in the additional type set, **was closed** carrying a bill board informing of the shifting of the premises."*

In view of the same, nothing remains for further consideration in the Writ Petition.

In the result, the Writ Petition is disposed. No costs.

10.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.04.2024.

vjt

To

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P.D. AUDIKESAVALU, J.

vjt

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