



W.P(MD)No.1890 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1890 of 2024

and

W.M.P(MD)Nos.1903 and 1904 of 2024

Murugan

... Petitioner

-Vs-

1.The District Collector,
Collectorate,
Kanyakumari District at
Nagercoil.

2.The Block Development Officer,
Block Development Office,
Thovalai Village Union,
Kanyakumari District.

3.The Village President/Executive Officer,
Sagayanagar Village Panchayat,
Thovalai Village Union,
Shanmugapuram Mathavalaayam Post,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 3rd respondent in his Nil



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proceedings dated 30.12.2023 and quash the same as illegal and further direct the respondents 1 to 3 herein to permit the petitioner to run broiler shop in the name and style Vaigai Broilers at Shop No. 1-37, Vellamadam Junction, Thovalai, Kanyakumari District.

For Petitioner : Mr.S.Vashik Ali
For Respondents : Mr.D.Gandhi Raj
Spl. Govt. Pleader (for R1)
Mr.K.S.Selvaganesan
Addl. Govt. Pleader (for R2)
Mr.Niranjan S.Kumar (for R3)

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order of the 3rd respondent in his Nil proceedings dated 30.12.2023 and quash the same as illegal and further direct the respondents 1 to 3 herein to permit the petitioner to run broiler shop in the name and style Vaigai Broilers at Shop No. 1-37, Vellamadam Junction, Thovalai, Kanyakumari District.



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2. The subject matter property belongs to one Maniammal. After entering into a lease agreement dated 17.07.2020 with the said landlady, the petitioner was running a broiler shop in the name and style “Vaigai Broilers” in the subject matter property. While so, the landlady has tried to evict the petitioner and she refused to receive the rent. Hence, the petitioner has filed a civil suit in O.S.No.49 of 2022 and got interim injunction dated 03.11.2022 in I.A.No.2 of 2022. While so, the third respondent sent a notice dated 21.07.2023 and 01.08.2023 seeking explanation for running the above shop without any permission from the third respondent. The petitioner has sent a reply to that notice stating that he has obtained a proper permission from the Food Safety and Standards Authority of India. Thereafter, the third respondent has passed a resolution No.126 dated 08.08.2023 to seal the petitioner's shop without providing any opportunity. Hence, he filed W.P(MD)No.28473 of 2023 and this Court vide order dated 04.12.2023, directed the third respondent to consider the representation of the petitioner within a period of four weeks. However, the third respondent has rejected the petitioner's representation vide impugned order dated 30.12.2023. Thereafter, the third respondent had affixed a notice on 04.01.2024 to seal the petitioner's shop on 05.01.2024. Hence, the



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petitioner has filed a writ petition in W.P(MD)No.336 of 2024. This Court, by order dated 08.01.2024 issued a direction based on the submission of the counsel. The counsel who appeared, without knowledge of the petitioner, submitted that the petitioner is willing to run grocery shop. Hence, the petitioner seeks to quash the impugned order dated 30.12.2023.

3. It is seen that when the W.P(MD)No.336 of 2024 was taken up for hearing on 08.01.2024, the third respondent's counsel submitted that there are so many complaints received from the public to run the broiler shop, hence, the third respondent has sealed the shop. When this Court has decided to dismiss the said writ petition, on the petitioner's side, it was submitted that the petitioner was willing to run the grocery shop. Hence, this Court, recording the said submission, disposed of the said writ petition. Now, the petitioner has approached this Court by way of this writ petition seeking permission to run the broiler shop. Since there are complaints from the public, the third respondent has sealed the broiler shop. This Court has already decided the petitioner's claim in W.P(MD)No.336 of 2024. Hence, this Court is not inclined to entertain this writ petition at this stage also.



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4. Therefore, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

31.01.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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31.03.2024