



W.A.(MD) Nos.441 and 442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)Nos.441 and 442 of 2024

and

C.M.P.(MD)Nos.3654 to 3656 of 2024

Murugan

... Appellant in both W.As.

-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 in both W.As.

COMMON PRAYER: Appeals filed under Clause 15 of Letters Patent, praying this Court to set aside the orders dated 31.01.2024 and 08.01.2024 passed in W.P. (MD)Nos.1890 and 336 of 2024 respectively on the file of this Court.

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For Appellant : Mr.S.Vashik Ali
For R1 & R2 : Mr.N.Satheesh Kumar,
Additional Government Pleader
For R3 : Mr.Niranjan S.Kumar
(in both W.As.)

COMMON JUDGMENT

[Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*]

These Writ Appeals are directed against the orders dated 31.01.2024 and 08.01.2024 passed in W.P.(MD)Nos.1890 and 336 of 2024 respectively on the file of this Court.

2.The appellant / writ petitioner filed W.P.(MD)No.336 of 2024, aggrieved by the proceedings of the 3rd respondent dated 30.12.2023, sealing the petitioner's shop situated at Shop No.1-37, Vellamadam Junction, Thovalai, Kanyakumari District. At the time of hearing the said Writ Petition, the learned counsel for the writ petitioner submitted that the writ petitioner is ready to run the grocery shop in the shop in question. Therefore, the Writ Court disposed of the said Writ Petition, directing the petitioner to give an application before the respondents, seeking permission to run a grocery shop and also directing the respondents to consider the same and pass appropriate orders.



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3.The appellant / writ petitioner once again approached this Court by filing W.P.(MD)No.1890 of 2024, challenging the very same proceedings of the 3rd respondent dated 30.12.2023 on the ground that at the time of hearing W.P. (MD)No.336 of 2024, the learned counsel, who appeared on behalf of the appellant / writ petitioner, without the knowledge of the appellant / writ petitioner, submitted that the writ petitioner is willing to run a grocery shop in the shop in question.

4.The Writ Court dismissed the Writ Petition in W.P.(MD)No.1890 of 2024 on the ground that the issue was already decided in W.P.(MD)No.336 of 2024. Challenging the said orders dated 31.01.2024 and 08.01.2024 passed in W.P.(MD)Nos.1890 and 336 of 2024 respectively, the appellant / writ petitioner filed these Writ Appeals.

5.The learned counsel appearing for the appellant would submit that the writ petitioner is running a broiler shop in the shop in question and due to personal dispute between the writ petitioner and the landlady, the proceedings dated 30.12.2023 has been issued by the 3rd respondent.



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6. When this Court asked the learned counsel for the appellant as to whether the appellant has obtained any permission from the local body, he submitted that the appellant made an application before the 3rd respondent Panchayat and the same is pending for consideration.

7. In such circumstances, since the appellant has not obtained any permission till date, we are not inclined to entertain these Writ Appeals, accordingly, these Writ Appeals are dismissed with liberty to the appellant to approach the authority concerned seeking necessary approval or permission. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
19.03.2024

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

Yuva

To

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



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2. The Block Development Officer,
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AND

R.VIJAYAKUMAR, J.

Yuva

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