



W.P(MD)No.12135 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12135 of 2024

and

W.M.P.(MD)No.10776 of 2024

P.Dhayanithi

... Petitioner

Vs.

- 1.The Secretary,
The Ministry For Information and Broadcasting,
Government of India, 2, Krishna Menon Marg,
New Delhi - 110001.
- 2.The District Collector / Nodal Officer (Cable TV),
Thoothukudi, Thoothukudi District.
- 3.The Post Master General,
Office of the Post Master General,
Southern Region,
B.B.Kulam, Madurai.
- 4.The Postal Superintendent,
Head Post Office,
Kovilpatti,
Thoothukudi District..
- 5.The Post Master,
Head Post Office,
Kovilpatti,
Thoothukudi District.

6.A.Muthuraj

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.3 to 5 to reject the application of the 6th respondent for postal license, based on the representation of the petitioner dated 17.05.2024.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.K.Govindarajan,
DSGI for R1, R3 to R5.
Mr.K.Balasubramani,
Spl. Government Pleader for R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Deputy Solicitor General of India for the respondents 1, 3 to 5 and the learned Special Government Pleader for the second respondent.

2.A statutory authority cannot be restrained from discharging his statutory functions. After all an application has been received or proposed to be received from the private respondent. It is for the licensing authority to satisfy himself that the conditions are met before issuing licence. The petitioner's case is that the applicant does not have the requisite infrastructure. This issue cannot be gone into at this stage. If at the end of the enquiry, an order adverse to the petitioner is



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passed, it is always open to the petitioner to challenge the same in the manner known to law. Till the said stage reaches, the petitioner lacks the *locus standi*. The cause of action is yet to arise. The order passed on the application of the contesting respondents shall be immediately served on the petitioner so that the petitioner can workout his rights in the manner known to law.

3. Granting such liberty to the petitioner, this writ petition is (*) **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

**(*)Corrected as per the order of this Court dated. 09.09.2024
made in WP(MD)No.12135 of 2024.**

Sd/-

Assistant Registrar(P&A)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS-I / II / III / IV)

ias

(*)To be substituted to the order already despatched on 16/07/2024.

To:-

1.The District Collector / Nodal Officer (Cable TV),
Thoothukudi, Thoothukudi District.



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2.The Post Master General,
Office of the Post Master General,
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3.The Postal Superintendent,
Head Post Office,
Kovilpatti,
Thoothukudi District..

4.The Post Master,
Head Post Office,
Kovilpatti,
Thoothukudi District.

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10.06.2024

MGJ(03.07.2024) 4P 2C

SI - (23.09.2024) 4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023