



W.P(MD)No.15565 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15565 of 2020

and

W.M.P(MD)Nos.13070 to 13072 of 2020

M.Wilson Roy

... Petitioner

Vs.

1.The Executive Officer,
Attoor Town Panchayat,
Panchayat Office, Attoor,
Thiruvattar (PO),
Kanyakumari District.

2.C.Paul Meston
*(R.2 is impleaded vide order
of this Court dated 19.01.2024
in W.M.P(MD)No.15565 of 2020)*

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for records pertaining to the impugned order passed by the respondent vide his proceedings in Na.Ka.No.176/2020 dated 22.10.2020 and quash the same as illegal and for other reliefs.



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For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1

Mr.N.S.Ramakrishna Dass for R.2

ORDER

Heard both sides.

2.The writ petitioner and the second respondent are brothers. The petitioner is running a chicken stall in the petition mentioned premises. Alleging that the activities are posing health hazard and nuisance, the second respondent lodged complaint before the local body. The local body issued impugned notice calling upon the petitioner to close down the shop. Challenging the same, the present writ petition came to be filed.

3.If the petitioner has obtained proper license, then obviously the petitioner cannot be prevented from carrying on his activities. If the petitioner is not having license, then obviously he has to close down the shop. The petitioner is granted 45 days time from the date of receipt of a



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copy of this order. It is open to the petitioner to apply to the concerned authorities for getting proper permission and license. The authorities concerned shall issue notice to the second respondent before considering the petitioner's application. The petitioner has to submit application within a period of seven days from the date of receipt of a copy of this order. The impugned communication will abide by the order to be passed by the competent authority.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.01.2024

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

To

The Executive Officer,
Attoor Town Panchayat,
Panchayat Office, Attoor,
Thiruvattar (PO),
Kanyakumari District.

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G.R.SWAMINATHAN, J.

MGA

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