



WP(MD) No.19356 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.19356 of 2023

P.Saravanan

... Petitioner

/vs./

1.The District Collector

Trichy District, Trichy.

2.The Superintendent of Police

Trichy District, Trichy.

3.The Deputy Superintendent of Police,

Manapparai, Trichy District.

4.The Inspector of Police

Vaiyampatty Police Station,

Vaiyampatty, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 2 to 4, to permit the Petitioner to keep open his shop namely Asai Bakery and Hotel situated at Ponnambalampatti Toll Plaza Near Vaiyampatty Via Manapparai Taluk Trichy District for 24x7 for all the days of the year.



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For Petitioner : Mr.A.N.Ramanathan
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

The learned Counsel for the Petitioner submits that the Respondents 2 to 4 had ordered closure of the Shop adjacent to the Highways to be closed after 11.00 pm, on the ground that there had been law and order issue. The learned Counsel for the Petitioner further submits that the Government of Tamil Nadu had issued Government Order permitting Shops and Hotels 24 X 7 all along the Highways in entire State. While so, the Respondents 3 and 4 had issued directions not to open the Shops after 11.00 p.m., and before 04.00 a.m., which is contradictory to the Government Order, permitting Shops 24 X 7 with conditions. For the law and order issues that occur on the road, the Petitioner cannot be held responsible. The Petitioner is dealing with Bakery and Hotel business for the valuable riding on the Highway. Therefore, the Petitioner seeks direction against the Respondents not to interfere with the lawful business. The Petitioner is running Asai Bakery at Ponnambalampatti Toll Plaza, Vaiyampatty Via, Manapparai Taluk, Trichy District.



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2. The learned Government Advocate (Criminal Side) appearing for the Respondents, on instructions, submits that the Respondents have come across anti-social elements misusing the premises of the Shops adjacent to the Highways for consuming Alcohol and broken the empty bottles and created law and order issues. The Petitioner, who is a Shop owner, assured that there will be no law and order issues, the Respondents had no objection. Further, the learned Government Advocate (Criminal Side) submits that there had case and counter in front of the Shop in Crime Nos.325 and 326 of 2023 on the file of the Vaiyampatty Police Station, Trichy District.

3. The submission of the learned Government Advocate (Criminal Side) cannot at all to be considered. If the submission of the learned Government Advocate (Criminal Side) is to be considered, then no Shops in Tamil Nadu can be opened as there will be trouble over now and then, when two person are talking each other in person, the shop cannot be forced to be closed as Police Officer is responsible for maintaining law and order problem. They cannot expect the shop owners to close their shop, to prevent law and order issues. The



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submissions of the learned Government Advocate (Criminal Side), is rejected in the light of G.O.(Ms).No.61, Labour Welfare and Skill Development Department, dated 02.06.2022, which ensured all the shops and establishments along the Highway to be opened 24X7 for the benefit for of the common man and law abiding Citizen, use the Highways for travel. The Police Officers interfering with the powers of the Government had issued G.O.(Ms).No.61, Labour Welfare and Skill Development Department, dated 02.06.2022, which is found illegal, in exercise of power beyond their Realm.

4. Therefore, this *Writ Petition* is allowed. No costs.

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Index : Yes / No

Internet : Yes / No

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Manapparai, Trichy District.
- 4.The Inspector of Police
Vaiyampatty Police Station,
Vaiyampatty, Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LS

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