



W.P.(MD)No.26025 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.26025 of 2024

E.Muneeswaran

... Petitioner

/Vs./

- 1.The Director,
Directorate of Medical and Rural Health Services,
Annasalai, Chennai.
- 2.The District Collector,
Collectorate, Tenkasi.
- 3.The Joint Director,
O/o. the Joint Director of Medical and Rural Health Services,
Tirunelveli District, Tenkasi.
- 4.The Dean,
Government District Head Quarters Hospital,
Tenkasi.
- 5.The Assistant Executive Engineer,
Sub-Division,
Public Works Departments,
Tenkasi.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbear the respondents from not to erect the EB transformer or to construct EB Generator room in front of the petitioner's shop and consequently directing the respondents not to disturb the peaceful possession of the petitioner's shop on the basis of the petitioner's representation dated 18.10.2024.

For Petitioner : Mr.A.B.Jeeva
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed forbearing the respondents to forbear from erecting EB transformer or constructing EB Generator room, in front of the petitioner's shop and for a direction to the respondents not to disturb the peaceful possession of the petitioner's shop.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



W.P.(MD)No.26025 of 2024

WEB COPY

3. The petitioner is a physically challenged person and he was running a PCO-STD booth in the premises of the fourth respondent. However, the said business is not in existence and he was permitted to run a tea stall. At this juncture, licence period was over and as such, he was directed to evict the premises and hand over vacant possession, which was challenged before this Court in WP(MD)No.2250 of 2023. This Court directed the petitioner to take part in the proposed auction to be conducted by the authorities in order to allot a shop in Chinthamani, Tenkasi, and not in the premises of the fourth respondent. However, sofar, no auction has been conducted for allotment of shop at Chinthamani, Tenkasi. Insofar as the premises of the fourth respondent is concerned, now the respondents are erecting EB transformer and EB generator room in the vacant premises.

4. Admittedly, the petitioner has no licence. That apart, the fourth respondent is the authority to decide to make any construction, in which the petitioner was no locus to seek such a relief, that too, restraining the respondents putting up EB transformer or EB generator room in the premises of the fourth respondent.



W.P.(MD)No.26025 of 2024

WEB COPY

5. In view of the above, the prayer sought for by the petitioner cannot be granted and this writ petition is devoid of merits. Accordingly, this writ petition is dismissed. No costs.

18.11.2024

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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