



W.P.(MD) No.15017 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.15017 of 2017 &
WMP.Nos. 11849 & 11850 of 2017

S.Sivakumar

... Petitioner

/vs./

- 1.The Commissioner,
Revenue Administration and Disaster Management,
Chennai.
- 2.The District Collector,
Virudhunagar, Virudunagar District.
- 3.The Joint Director of Agriculture,
Virudhunagar, Virudunagar District,
- 4.The Executive Engineer,
Public Works Department,
(Building and Maintenance) Zone,
Virudunagar, Virudunagar District.
- 5.Tamil Nadu Government Agriculture Graduate Sangam,
Collectorate Campus,
Virudunagar, Virudunagar District.

.. Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to impugned order of 4th respondent in க.எண்.வப/இவஅ.1/கோ.33/2016/ நாள் 31.08.2016 and quash the same and consequently direct the respondents herein to permit the petitioner to run a canteen in the name of Ulavan Unavagam in the 2nd respondent campus and pass such other orders.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents: Mr.J.K.Jeyaseelan for RR1 to 4
Government Advocate

: Mr.B.Rooban for R5

ORDER

This Writ Petition had been filed being aggrieved against the order of rejection of his request for running a canteen within the campus of Collectorate Office.

2. Heard Mr.T.Pon Ramkumar, learned counsel for the petitioner and Mr.J.K.Jeyaseelan, learned Government Advocate appearing on behalf of the respondents 1 to 4 and Mr.B.Rooban, learned counsel appearing for the fifth respondent.



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3. It is the case of the petitioner that the fifth respondent was given an in-principle approval for starting a shop for dealing with millets by given the best advantages and usage of millets. It is the case of the petitioner that the fifth respondent had nominated the petitioner for running the said shop, but, would submit that no written orders have been passed. It is only based on the oral instruction by the then Collector, he had been authorised to put up the construction. Now the same has also been removed in an endeavour to build a new Collectorate. Therefore, the respondent to be directed to allocate a space to the petitioner in the newly constructed Collectorate for running a canteen.

4. Countering his arguments, Mr.J.K.Jeyaseelan, the learned Government Advocate appearing on behalf of the respondents 1 to 4 would submit that it was only a proposal, but, there was no agreement between the respondents 1 to 4 and the fifth respondent for allocating a shop. Even if an agreement was so entered, the petitioner had not placed any documents on record to show that the fifth respondent has permitted the petitioner to run the shop. Therefore, he would submit that there is no merit in the Writ Petition filed by the petitioner.



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5. Mr.B.Rooban, learned counsel appearing on behalf of the fifth respondent would submit that it is true that there was a proposal for allocating a space to start '*Ulavan Unavagam*' primarily to propagate the health benefits of millets. He would further submit that the said proposal was only in a nascent stage and in fact, the fifth respondent was to await the sanction from the Government. He would submit that the fifth respondent had not given any instruction to anyone to construct any building much to the petitioner for putting up a shop. The petitioner cannot claim any right for putting up the shop.

6. I have considered the submissions made by the learned counsels appearing for their respective parties and perused the materials available on record.

7. Even though, the petitioner had made much tall claims that he had been given the right to run a shop, the petitioner had not produced any materials whatsoever before this Court that the fifth respondent has been permitted to put up the shop and that the fifth respondent in turn had nominated the petitioner to run the shop. Since, the petitioner had not substantiated his claim to run the shop by any means, I do not find any infirmity in the order impugned in this



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Writ Petition. On this ground alone, the Writ Petition is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

Index : Yes / No

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Internet : Yes / No

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To

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Chepauk, Chennai – 600 005.



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