



W.P.(MD)No.27370 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.27370 of 2024

Kannan
S/o.Devaraj
The Proprietor
Sri Lakshmi cake shop and sweets
Bodinayakanur
Theni District
Residing at
No.21/A1,SOR Nagar, 2nd Street,
Kamatchi Illam
Batlagundu Road,
Usilampattim
Madurai District

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police
Theni District
2. The Deputy Superintendent of Police
Office of the Deputy Superintendent
Bodi, Theni District
3. The Inspector of Police
Bodinayakkanur Police Station
Theni District

..Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the respondents not to interfere with the running of the petitioner's eatery namely “Sri Lakshmi Cake Shop and Sweets” located at near bus stand, Bodinayakkanur, Theni District during late night hours by considering the petitioner's representation dated 09.11.2024.

For Petitioner : Mr.D.S. Haroon Rasheed

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The prayer sought for in the present writ petition is to direct the respondents not to interfere with the running of the petitioner's eatery namely “Sri Lakshmi Cake Shop and Sweets” located at near bus stand, Bodinayakkanur, Theni District during late night hours by considering the petitioner's representation dated 09.11.2024.

2. The learned counsel for the petitioner would submit that the respondents are interfering with the business of the petitioner during late



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night hours. It is his contention that the Government of Tamilnadu has passed a G.O.Ms.No.61, Labour Welfare and Skill Development (Ks) dated 2 nd June 2022 wherein, it clearly mentioned that “permitting all shops and establishments to keep open for 24x7 on all days of the year extended for a period of three years with effect from 05.06.2022”. Hence, he seeks for appropriate direction.

3. Heard the learned Additional Public Prosecutor appearing for the respondents and also perused the materials available on record.

4. Admittedly, the said G.O. has been passed by the Government of Tamilnadu permitting all shops and establishments to keep open for 24x7 on all days of the year subject to other conditions. When the Government itself has permitted to run the business for 24x7, the police cannot restrict the time on their own. Provided the shop keepers comply the conditions given in G.O.Ms.No.61 dated 02.06.2022

5. Accordingly, the respondents are directed not to interfere with the petitioner's business and they can interfere only in case of any law



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and order problem arose in the shop. The petitioner to satisfy the authorities that condition as per G.O.No.61 is fulfilled and followed.

6. With the above directions, this Writ Petition is disposed of. No costs.

18.11.2024

NCC : Yes / No

Index : Yes / No

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police
Theni District
2. The Deputy Superintendent of Police
Office of the Deputy Superintendent
Bodi, Theni District
3. The Inspector of Police
Bodinayakkanur Police Station
Theni District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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