



W.P.(MD).No.27580 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27580 of 2024

K.Siva Sankaran

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District at
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 3.The Commissioner,
Kuzhithurai Municipality,
Marthandam Post,
Kanyakumari District.
- 4.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 16.10.2024 and shift the unauthorized auto stand to any other place without hindrance to any Public.



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For Petitioner : Mr.M.R.Sreeninivasan
For R-1 : Mr.T.Amjad Khan,
Government Advocate
For R-3 : Mr.AAthimoola Pandian
For R-2 & R-4 : Mr.K.Gnanasekaran,
Government Advocate,
(Criminal Side)

ORDER

This writ petition has been filed to direct the respondents to consider the petitioner's representation dated 16.10.2024 and shift the unauthorized auto stand to any other place without hindrance to any Public.

2. Heard the learned counsels on either sides and carefully perused the materials available on record.

3. The plight of the petitioner is that an auto stand is functioning unauthorisedly before his shop. In view of the same, he made a representation to the respondents on 16.10.2024. However, the same was not considered. Hence, the present writ petition came to be filed.



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4. The learned counsel for the 3rd respondent vehemently contended that they are not entitled to deal with the issue of a license or permission for any auto stand and hence the petitioner should approach the appropriate authority more particularly the national highways authority.

5. However, the learned counsel for the petitioner relying upon rule 294(1) and (10) submitted that, no person shall establish or administer any private parking stand and shelter without obtaining a license issued by the Commissioner. In the instant case, the petitioner is aggrieved by the conduct of few auto drivers who are parking before his shop without obtaining any permission or license from the 3rd respondent.

6. In view of the same, the 3rd respondent is directed to consider the petitioner's representation dated 16.10.2024 and pass appropriate orders and shift the unauthorised auto stand to any other place without hindrance to the public within a period of four (4) weeks from the date of receipt of a copy of this order.



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7. With the above observations, this writ petition stands allowed. There shall be no order as to costs.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The District Collector,
Kanyakumari District at
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.



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L.VICTORIA GOWRI, J.

Sml

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