



W.P.No.211 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

**W.P.No.211 of 2019**  
**and WMP.No.227 of 2019**

G. Jaburulla

... Petitioner

Vs

1. The Commissioner  
Vandavasi Municipality  
Vandavasi Town,  
Thiruvannamalai District.

2. G. Basha

3. B.Ashick

4. General Manager / Joint Director,  
Thiruvannamalai District  
Cooperative Milk Producers Union,  
No.142, Arcot Road,  
Sathuvachari Vellore

... Respondents

(R3 & R4 are impleaded as per order dated 13.12.2024 in  
WMP.No.10154 of 2019 in W.P.No.211 of 2019 by CVKJ)

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the respondents not



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to disturb the petitioner's peaceful running of business at shop no.8, J.V.V.T. Complex, Bus stand, Vandavasi Town, Thiruvannamalai district till the petitioner is legally evicted by the 1<sup>st</sup> respondent.

|                 |                                                                                                                                       |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.R.Mubarak Basha                                                                                                                  |
| For Respondents | : Mr.R.Balaramesh<br>for R1<br>Mr.S.Makesh<br>for R2<br>Mr.U.Baranidaran<br>Addl.Government Pleader<br>for R4<br>No appearance for R3 |

### **ORDER**

This writ petition has been filed for issuance of a writ of mandamus to direct the respondents not to disturb the petitioner's peaceful running of business at shop no.8, J.V.V.T. Complex, Bus stand, Vandavasi Town, Thiruvannamalai district till the petitioner is legally evicted by the 1<sup>st</sup> respondent.

2. The necessity for filing of the writ petition arose since the 4<sup>th</sup> respondent who had granted license and permission to the third



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respondent who had also been impleaded after filing of the writ petition to run Aavin Milk Parlour / Booth. Unfortunately the said Parlour/Booth was located right in front of the shop of the petitioner. The petitioner therefore with much considerable force is of the opinion that since his frontage of the shop would be blocked by the erection of the Booth/Aavin Parlour, the number of customers who would come to the petitioner or the foot fall of the customers would fall and therefore he would suffer in his business. It is under those circumstances this writ petition had been filed seeking a restraint against the respondents from interfering with the business of the petitioner.

3. The first respondent in the writ petition is the Commissioner Vandavasi Municipality in Vandavasi Town, Thiruvannamalai district. The learned counsel for the 2<sup>nd</sup> respondent had entered appearance and he is the father of the third respondent. On instruction it had been stated by the learned Additional Government Pleader for the 4<sup>th</sup> respondent that though license had been granted to the third respondent, the 2<sup>nd</sup> respondent is not able to run Aavin Booth in a place which is admittedly



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in front of the shop of the petitioner, since the third respondent had not obtained electricity connection. He could not run the Aavin Milk Parlour and as on date only the bunk is there and it had been erected but it is closed. It effectively means that though there is a bunk to run a business, the third respondent is not able to run the business since it is closed. It is closed since he is not able to get electricity connection. He is not able to get electricity connection because of the pendency of this writ petition.

4. Let me balance the convenience of all the parties and place an obligation on the first respondent/Commissioner Vandavasi Municipality through the jurisdictional Tahsildar to inspect the shop of the petitioner and also inspect the Aavin Parlour which is today erected but is not functioning and come to a subjective satisfaction whether the frontage of the shop of the petitioner had been obstructed and blocked and the place available for ingress and egress had been substantially reduced and whether the petitioner would be able to shift his articles in and out of the shop as he was earlier doing when the bunk was not there and thereafter the Tahsildar may file a report to the Commissioner and the



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Commissioner may take necessary steps to direct, if there is an obstruction, the third respondent Ashick, to shift his bunk to any other convenient place. An obligation is however placed on the 4<sup>th</sup> respondent also not to cancel the license or permission already given and if an alternate place is located, to grant the license to the third respondent in such alternate place. The scope of interference of this Court in determining the rights of both parties is quite narrow and therefore an obligation is placed on the first respondent to examine the entire issue and take appropriate decision.

5. With the above direction, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is also closed.

24.01.2025

dpq  
Index: Yes/No  
Speaking order / Non speaking order



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To  
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Vandavasi Municipality  
Vandavasi Town,  
Thiruvannamalai District.
2. General Manager / Joint Director,  
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No.142, Arcot Road,  
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**C.V. KARTHIKEYAN, J.**

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