



WEB COPY

W.P.No.29551 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.29551 of 2024

M.Raja .. Petitioner

v.

1. The District Collector
Office of the District Collector
Namakkal, Namakkal District
Tamil Nadu

2. The Thasildar
Office of the Thasildar
Namakkal, Namakkal District
Tamil Nadu

3. The Panchayat President
Siluvampatti Village Panchayat
Siluvampatti, Namakkal District
Tamil Nadu

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Madamus, to call for the records of the 2nd respondent pertaining to the impugned order bearing reference No.O.Mu.3414/2024/A8 dated 03.09.2024 and quash the same as arbitrary,



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illegal, consequently direct the respondents to permit the petitioner to run the petty shop in the place earmarked for street vending at near Government Hospital, Namakkal considering the petitioner's representation dated 29.08.2024.

For Petitioner :: Mr.P.R.Thiruneelakandan

For Respondents :: Mr.T.Chandrasekaran
Special Government Pleader
for R1 to R3

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The order of rejection, rejecting the claim of the petitioner for providing electricity service connection to the petty shop in the encroached place, in proceeding dated 03.09.2024 is under challenge in the present writ proceedings.

2. The petitioner states that he is running a tea shop near Namakkal Government Medical College & Hospital. The learned counsel for petitioner would submit that permission was granted in the year 2020 to the petitioner to run Aavin milk booth. However, he is running a tea shop presently. In order to secure necessary permission from the competent authority to run



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the petty shop, an application was submitted by the petitioner. Since it was not considered, he filed a writ petition before this Court and got an order to dispose of his application. Pursuant to the direction, the application submitted by the petitioner was rejected in proceeding dated 03.09.2024, which is under challenge in the present writ proceedings.

3. The reason stated in the order impugned by the Tahsildar, Namakkal is that the petitioner occupied a place which is falling in the Master Plan area. Therefore, there is no provision to grant permission to run the petty shop. It is further stated in the impugned order that the petitioner is an encroacher running the petty shop. Therefore, a direction was issued by the Tahsildar to remove the encroachment, failing which further actions will be initiated for evicting the petitioner under the Land Encroachment Act.

4. This Court is of the considered opinion that if at all the petitioner is eligible to run a petty shop, proper application before the competent authority is to be submitted and such allotments are to be made strictly in



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accordance with the procedures and the schemes which are all in force. The

Committee constituted to allot the petty shops, has to consider the claim on

merits and in accordance with law and based on the seniority of applicants.

An encroacher is not entitled to secure relief for providing electricity service

connection or to run a petty shop opposite to the Namakkal Government

Medical College & Hospital. Places in and around Government Medical

College & Hospital are to be protected and allotment of shops are to be

made as per the Master Plan Scheme and therefore, we do not find any

reason to interfere with the order impugned, as the reasons stated are candid

and convincing. The writ petition stands dismissed. Consequently,

W.M.P.Nos.32207 & 32902 of 2024 are also dismissed. No costs.

Index : yes

(S.M.S.,J.) (K.R.S.,J.)

Neutral citation : yes

13.02.2025

SS

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