



W.P(MD)No.1888 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.1888 of 2024

Karthikeyan

... Petitioner

Vs.

1.The District Collector
Ramanathapuram District,
Ramanathapuram.

2.Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.

3.The Thasildar,
Mudukulathur Taluk Office,
Mudukulathur Taluk,
Ramanathapuram District.

4.The General Manager,
Sivagangai District Milk Producers Union Limited,
Kazhanivasal,
Karaikudi,
Sivagangai District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 3rd respondent to allot the place and permit the petitioner to engage in the business of Aavin Shop at Kakoor Village, Mudukulathur Taluk, Ramanathapuram District, based on order of 2nd respondent through his proceedings in Na.Ka.A1/2336/2022 dated



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04.10.2023 by considering the petitioner's representation dated 13.12.2023.

For Petitioner : Mr.K.Anandraj

For R1 to R3 : Mr.M.Senthil Ayyanar
Government Advocate

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ORDER

The present writ petition is filed for issuance of a Writ of Mandamus, to direct the 3rd respondent to allot the place and permit the petitioner to engage in the business of Aavin Shop at Kakoor Village, Mudukulathur Taluk, Ramanathapuram District, based on order of 2nd respondent through his proceedings in Na.Ka.A1/2336/2022 dated 04.10.2023 by considering the petitioner's representation dated 13.12.2023.

2.The petitioner was running an Aavin Shop at Survey No. 400/11. However, the said place was utilized by the villagers for a temple festival. Therefore, some complaints were preferred against putting up of the Aavin Shop in the said survey number. The same was challenged in W.P.(MD)No.3804 of 2022 and this Court vide order dated 16-11-2022 considered the same as encroachment and directed the authorities to remove the same. Therefore, the petitioner's Aavin Shop was removed and the petitioner was evicted. However, the respondents had evicted the petitioner's Aavin Shop without issuing notice to the petitioner. Aggrieved over the same, the petitioner has preferred a writ petition in



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W.P.(MD)No.22345 of 2022. This Court, vide order, dated 16-11-2022, directed to conduct a survey and directed to remove the encroachment. However, the respondents were also directed to grant an alternative site to the petitioner. Based on the same, the respondents have granted an alternative site in the Survey No.45, which is located in "Vaari". But the villagers would not be visiting that place frequently. Therefore, it would affect the petitioner's business. Therefore, this Court directed the petitioner to search for some alternative place again.

3.Now, the respondents are stating that apart from Survey No.45, no alternative place is available and the respondents are stating that they would undertake that they would not evict the petitioner. The said contention of the respondents cannot be accepted. If any public interest litigation is filed, the petitioner would be disturbed again.

4.After hearing the rival submissions, this Court is of the considered opinion that the petitioner is entitled to an alternative site. Therefore, the petitioner is directed to accept the Survey No.45 and continue his business. If there is any disturbance in the Survey No.45, the respondents are strictly directed to grant an alternative site and they cannot evict the petitioner without granting an alternative site.

5.With the above said observations, the writ petition is disposed of. There is



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shall no order as to costs.

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

Tmg

To

- 1.The District Collector
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Ramanathapuram.
- 2.Revenue Divisional Officer
Revenue Divisional Office,
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Ramanathapuram District.
- 3.The Thasildar
Mudukulathur Taluk Office,
Mudukulathur Taluk,
Ramanathapuram District.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.1888 of 2024**

DATED :17.07.2025