



W.P.(MD)No.2360 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.2360 of 2025

Basheer

Vs

.. Petitioner

1. The Superintendent of Police
Office of the Superintendent of Police
Kanyakumari District

2. The Deputy Superintendent of Police
Vilavancode Sub Division
Kanyakumari District

3. The Inspector of Police
Kaliyakkavilai Police Station
Kanyakumari District

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents herein from in any manner interfering with the running of petitioner tea stall name and style of Tea Stall Kaliyakkavilai business at Door No.ST-42 Main Road, Kaliyakkavilai town Panchayat, Vilavancode Taluk, Kanyakumari District during 24 x 7 hours on the basis of the Government G.O.No. 61 Labour



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Welfare and Skill Development department (K2) dated 22.06.2022 and by considering petitioner representation dated 09.01.2025.

For Petitioner : Mr.S.Ramakrishnan
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed tforbearing the respondents herein from in any manner interfering with the running of petitioner tea stall name and style of Tea Stall Kaliyakkavilai business at Door No.ST-42 Main Road, Kaliyakkavilai town Panchayat, Vilavncode Taluk, Kanyakumari District during 24 x 7 hours on the basis of the Government G.O.No. 61 Labour Welfare and Skill Development department (K2) dated 22.06.2022 and by considering petitioner representation dated 09.01.2025.

2. The contention of the petitioner is that the petitioner is running a tea shop near Kaliyakavilai bus stand for the past 25 years. He had also obtained permission from the panchayat and also from the Food Safety



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Authorities and he is running shop without any obstructions. This being so, the third respondent is forcing the petitioner to shut the doors by 11.00 pm., The shop of the petitioner is located near the Trivandrum air port thereby the passengers who are passing during the night time will have their refreshment . Added to it there is a hospital and the patients and attenders in the hospital use the shop for their refreshment during night time. The petitioner so far has no adverse notice by the respondent police. The third respondent is forcing the petitioner to close the shop. Further the petitioner referring to G.O.Ms.No.317 Labour Welfare and Skill Development Department dated 22.06.2022 has stated that the shops employing 10 or more persons can be permitted to keep the shop open for 24X7on all days of the year and other guidelines have been complied with and as per the said G.O. the petitioner is eligible to open the shop for 24X7 and hence he has sent a representation. In support of his contention he also produced the orders passed by this Court in W.P(MD) No.8861 of 2022 and W.P(MD) No.19230 of 2022, wherein this Court has referred to the said G.O and had the police not to interfere into the petitioner's business if they are complying with the said G.O. unless there is any law and order issue.



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3. The learned Additional Public Prosecutor fairly submitted that as on date the petitioner has no adverse remarks in running the shop. The third respondent has submitted that the local people are consuming liquor and are often quarreling in the shop, thereby the police are forcing the petitioner to shut the doors . He fairly submitted that no criminal case is pending against the petitioner.

4. In view of the same, this Court finds that forcing the petitioner to shut the doors of the petitioner's shop is not proper. The petitioner is permitted to open the shop for 24X7 provided he is complying the condition imposed in the above referred G.O. The respondent police is directed not to interfere with the petitioner's business and they can interfere only in the case of any law and order problem arose in the shop.

5. With the above direction the Writ Petition stands disposed of.

No costs.

29.01.2025

Index: Yes/No
Internet : Yes/No
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4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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