



W.P.(MD)No.5407 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.03.2025

CORAM

THE HONOURABLE **MR.JUSTICE V. LAKSHMINARAYANAN**

W.P.(MD)No.5407 of 2025

Esakkiammal

... Petitioner

vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Municipal Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli District.

3.The Superintending Engineer (Power Distribution),
Maharaja Nagar (Po),
Thiyagarajanagar, Tirunelveli.

4.The Divisional Engineer (Construction and Maintenance),
Highways Department, Palayamkottai,
Tirunelveli District.

... Respondents

(R4 is impleaded vide Court order dated 28.02.2025 in W.P(MD).No.
5407 of 2025 by VLNJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of
India for issuance of Writ of Mandamus, to direct the second respondent



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to allow the petitioner to put up the petty shop and consequently direct the third respondent to provide electricity connection to the petty shop of the petitioner on the basis of the petitioner's representation dated 12.12.2024.

For Petitioner : Mr.M.Sankar
For Respondents : Mr.S.Shaji Bino (for R1 & R4)
Special Government Pleader
Mr.A.Sivanu Pandian(for R2)
Mr.S.Deena Dhayalan
Standing Counsel (for R3)

ORDER

The petitioner seeks mandamus to direct the second respondent to allow her to put up a petty shop and run the same. The petitioner states that she was running a petty shop on the National Highways. She had obtained license for one year between 18.12.2012 to 17.12.2013. Subsequently, the license was not renewed.

2. The petitioner had earlier filed a writ petition in W.P(MD).No. 4100 of 2014. That writ petition came to be disposed of permitting the petitioner to file an application seeking renewal. It is on record that no fresh license to continue occupying the Highways land was given by the second respondent.



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3. The petitioner pleads that as she is running her shop peacefully and taking care of her aged husband and since she is a physically challenged women, she would be entitled for a mandamus.

4. When the writ petition came up for admission, I directed Mr.S.Shaji Bino, learned Special Government Pleader, who took notice for R1 and R4, Mr.A.Sivanu Pandian for R2 and Mr.S.Deena Dhayalan for R3, to get instructions from their clients in this regard.

5. Mr.Srikanth representing Mr.Sivanu Pandian has produced written instructions from the Assistant Executive Engineer, Palayamkotai Ward Office, Tirunelveli City Municipal Corporation. The instructions reveal that the occupation by the petitioner was causing hindrance to the public and users of the Highways. Treating it as an encroachment, Tirunelveli Municipality had given a requisition for removal of the same and the authorities acting upon the said requisition had removed the encroachment.



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6. As the petitioner has no vested right to occupy the Highways

land and as her license got expired, I do not find any reason to entertain this writ petition. Hence, this Writ Petition stands dismissed. No costs.

Index :Yes / No
NCC :Yes / No
Rmk

03.03.2025

To

1.The District Collector,
Kanyakumari District,
Nagercoil..

2.The Divisional Engineer (Construction and Maintenance),
Highways Department, Palayamkottai,
Tirunelveli District.



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V. LAKSHMINARAYANAN, J.

Rmk

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