



W.P (MD).No.9856 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.9856 of 2024

Thanjavur District Tree Climbing
Workers Welfare Association,
(Reg. No.46/2003), Represented by its
President R.Stalin, S/o.Rajaiah,
Rajaji 1st Street, Thillai Nagar,
Thanjavur Town-613 006,
Thanjavur District.

.... Petitioner

Vs

- 1 The Senior Inspector/Licensing Authority,
Prohibition Wing,
Office of the District Collector,
Thanjavur District.
- 2 The Assistant Director
Khadi and Village Industries, No.214, Khadi
Kraft, Nanjikottai Road, Thanjavur - 613 006
Thanjavur District.
- 3 The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.
- 4 The Superintendent of Police
Office of the Superintendent of Police,
Thanjavur District



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5 The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police,
Vallam Sub Division, Tamil University,
Thanjavur District-613 010

6 The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents and their men, agents from anyway interfering with the rights of the members of petitioner's Association in exercising the right to take Palm Water (Padani) from the Palm Trees and sell the same to the public by considering the petitioner's representation dated 29.01.2024.

For Petitioner	: Mr.K.M.Karunakaran
For R1 & R2	: Mr.D.Gandhi Raj Special Government Pleader
For R3 to R6	: Mrs.M.Aasha Government Advocate (Crl.side)

ORDER

This writ petition has been filed for a direction forbearing the respondents from anyway interfering with the rights of the members of petitioner's Association in exercising the right to take Palm Water (Padani) from the Palm Trees and sell the same to the public.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner's association consisting several members. The members of the petitioner are extracting the Palm Water (Padani) and sell the same to the general public for the past several years. However, the police personnels used to interfere with the peaceful conduct of their business and also harassing them in the guise that they are selling Toddy. Therefore, the petitioner submitted a representation to all the officials restraining the police personnels not to interfere with the peaceful conduct of the business.

4. The similar issue was already dealt with by this Court in W.P(MD)No.2655 of 2013 and by an order dated 14.03.2013 this Court held as follows:-

"5. The members of the petitioner association have every right to do the business in extracting palm juice on the strength of the license issued by the licensing authority. In case the licensees are doing the business of extraction of palm juice on the strength of the license, the police cannot interfere in such business. However, under the guise of extracting palm juice, in case the licensees are involving in the business of toddy, necessarily the police would interfere. I therefore



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clarify the position very clear that so long as the business is confined to extraction of plam juice on the strength of licences, the police has no right to stop the licensees from doing such business. The said protection would not be available in case the licensees started selling toddy, misuing the license given to them."

5. In view of the above, the police personnel has no right to stop the licensees from doing the business of selling Palm Water (Padani) to general public.

6. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

24.01.2025



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G.K.ILANTHIRAIYAN, J.

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