



W.P.(MD)No.31072 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.01.2025**

CORAM:

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

W.P.(MD)No.31072 of 2023

and

W.M.P.(MD)Nos.26629 & 26631 of 2023

Shahul Hameed
Managing Partner,
M/s.Bismi Aquatic Products,

... Petitioner

/Vs./

1. The District Collector
O/o.District Collector,
Ramanathapuram District.
2. The Revenue Divisional Office
Er, O/o.The Revenue Divisional Officer,
Thiruvadanai, Ramanathapuram District.
3. The Thasildhar
O/o.The Thasildar, Thiruvadanai,
Ramanathapuram District.
4. The Inspector of Police
O/o.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
5. D. Bose,
(R5 is Impleaded vide Court Order dated.09.12.2024
in WMP(MD).25000/2024. .. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the second respondent dated 19.09.2021 and quash the same as illegal and consequently to direct the respondents to allow the petitioner's goods vehicle 24 hours in order to run his factory.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.D.Gandhi Raj

Special Government Pleader for R1 -3

: Mrs.M.Aasha

Government Advocate (Crl.Side) for R4

: Mr.K.R.Laxman for R5

ORDER

This Writ Petition has been filed challenging the resolution passed in the peace committee meeting dated 19.09.2021 in front of the second respondent.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. The petitioner is running the business of extracting Oil from fishes from the year 2009, in the name and style of M/s.Bismi Aquatic Products 3-659-A, middle street, Vedhalai, Mandapam, Ramanathapuram District, after obtaining all permission from the authorities concerned. While being so, some antisocial elements way laid the container lorries, which are used for transporting fishes for the factory and threatened the workers and robbed them. Therefore, the petitioner lodged a complaint before the fourth respondent, seeking police protection. However, it was not considered and as such, the petitioner was constrained to file a writ petition in W.P.(MD)No.24481 of 2019 and this Court granted interim order on 28.11.2019, thereby, directed the respondents 1 to 3, to take appropriate and necessary action on the complaint lodged by the petitioner. Simultaneous, the petitioner also submitted representation to the respondents 1 to 3 herein, seeking a direction to put up road to his factory. However, it was not considered and as such, the petitioner once again approached this Court by filing W.P.(MD)No.4909 of 2022 seeking direction to lay the road as per the recommendations of the respondents 2 and 3, by their communication dated 18.10.2019, wherein, this Court



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has directed the first respondent to consider the recommendation of the respondents 2 and 3 in accordance with law. In the meanwhile, the final order has been passed in W.P.(MD)No.24481 of 2019 on 17.08.2023, directing the parties to abide by the resolution passed in the peace committee meeting and for other grievance, they can approach the concerned officials for appropriate action. Now, the resolution dated 19.09.2021 passed before the second respondent is under challenge.

4. On perusal of the resolution dated 19.09.2021, it revealed that no vehicles are permitted from 06.00 pm to 6.00 am. Therefore, the petitioner could not be able to run his factory in a proper and fulfilled manner, without plying the vehicle, during that time, the factory cannot be run, during night hours.

5. The learned counsel for the fifth respondent would submit that the factory itself was permitted to run only before 06.00 pm to 6.00 am. Beyond that, the factory cannot be operated by the petitioner.



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6. Though the resolution passed in the peace committee meeting cannot bind the parties and it has no legal sanctity. However, since the petitioner and the fifth respondent along with others appeared before the second respondent, it has only evidenciary value. Accordingly, both the parties had agree not to ply the vehicle from 06.00 pm to 6.00 am to the petitioner's factory. If any violation of the said resolution by any party, they can approach the civil Court for appropriate relief. Further, if the fifth respondent and other villagers have any grievance in respect of running factory by the petitioner, they can approach the concerned authority for appropriate relief.

7. With the above direction, the writ petition stands disposed of.
No costs. Consequently, connected Miscellaneous Petitions are closed.

08.01.2025

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



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G.K.ILANTHIRAIYAN, J.

LS

TO:-

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2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
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3. The Thasildhar
O/o.The Thasildar, Thiruvadanai,
Ramanathapuram District.
4. The Inspector of Police
O/o.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

Order made in
W.P.(MD)No.31072 of 2023

Dated:
08.01.2025