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C.M.P.(MD) No.17723 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.P.(MD) No.17723 of 2025
in
W.A.(MD) SR No.93597 of 2025**

Kuthbu Sulthan Syed Ibrahim
Hyeed Oliyullah Dharga Haqdar
Administrative Committee
through its President Ahamed Ibrahim
son of Haja Mohaideen
(aged about 51 years)
Door No.2/70, Middle Street
Ervadi-623 515
Ramanathapuram District

... Petitioner

-vs-

- 1.Sheikh Ali
- 2.The District Collector
Ramanathapuram District
Ramanathapuram
- 3.The Tahsildar
Keezhakarai Taluk
Ramanathapuram District
- 4.The Block Development Officer
(Village Panchayat)
Kadaladi Block Development Office
Kadaladi
Ramanathapuram District



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5.Ervadi Village Panchayat
rep.by its Special Officer
Ervadi, Keezhakarai Taluk
Ramanathapuram District

6.The Divisional Engineer
Highways Department
Buildings and Maintenance
Ramanathapuram

7.The Assistant Divisional Engineer
Highways Department
Buildings and Maintenance
Mudhukulathur

... Respondents

PRAYER: Petition filed under Section 151 of the Code of Civil Procedure to grant leave to the petitioner to file a writ appeal as against the order passed by this Court, dated 16.09.2025 in W.P.(MD) No.23591 of 2025.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.D.Sasi Kumar
Addl. Govt. Pleader for R2 to R4, R6 & R7

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

When the writ petition in W.P.(MD) No.23591 of 2025 was filed by the first respondent / writ petitioner seeking for a direction to the official respondents to forbear them from interfering with his lawful operation of the Aavin Parlour, situated on the road margin of Ervadi – Chinna Ervadi Road at 1/6 KM in Survey No.502 of Ervadi Village, Keezhakarai Taluk,



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Ramanathapuram District, it appears that the writ petitioner pending writ petition has shifted the Aavin Parlour to a nearby place, which is abutting the Darga administered by the petitioner herein.

2. The learned Single Judge, after taking note of the fact that the Aavin Parlour has been shifted to another place even before filing of the writ petition, had given protection to the writ petitioner that he should not be evicted without following the manner known to law.

3. This Court finds that the petitioner / proposed appellant herein has a serious objection of locating the Aavin Parlour near the Darga and the protection given by the learned Single Judge is not for the Survey No.502, but, it is for the place, where the Aavin Parlour has now been shifted.

4. Learned counsel for the petitioner herein states that till the impugned order was passed by the learned Single Judge, the Aavin Parlour was in fact not shifted. Therefore, earlier, this Court by an order dated 29.08.2025, directed the Tahsildar, Keezhakarai Taluk, to file an affidavit giving all particulars of the date of removal and the procedure followed for removing the Aavin Parlour of the writ petitioner in Survey No.502 in Ervadi Village.



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5. We find that no such affidavit has been filed by the Tahsildar, Keezhakarai Taluk. However, after recording the oral submission that the Aavin Parlour has been shifted to another place, the learned Single Judge has given protection to the writ petitioner. Apparently, it appears that the protection order has been granted not for the place for which the writ petition was filed, but, it is for the different place. Therefore, the person aggrieved is before this Court seeking leave of this Court to challenge the order passed by the learned Single Judge.

6. Taking into consideration of the above facts, this civil miscellaneous petition seeking leave of this Court to the petitioner herein to prefer a writ appeal as third party stands allowed.

7. Registry is directed to number the writ appeal, if the papers are otherwise in order and post the same for admission on 08.12.2025.

8. Meanwhile, learned counsel for the petitioner / proposed appellant shall serve notice on the respondents so that they will be ready when the writ appeal is taken up for admission.



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9. Further, the Tahsildar, Keezhakarai Taluk, as directed by the learned Single Judge vide order dated 29.08.2025 in W.P.(MD) No.23591 of 2025, is directed to produce the file regarding the action taken against the Aavin Parlour, which, according to the Highways Department, is an obstruction to the free flow of traffic and liable to be removed, before this Court when the writ appeal is posted before this Court for admission.

[G.J., J.]

[K.K.R.K., J.]

02.12.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Keezhakarai Taluk,
Ramanathapuram District.
- 3.The Block Development Officer,
(Village Panchayat),
Kadaladi Block Development Office,
Kadaladi,
Ramanathapuram District.



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4.The Divisional Engineer,
Highways Department,
Buildings and Maintenance,
Ramanathapuram.

5.The Assistant Divisional Engineer,
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