

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.19905 of 2015

Karuppaiyan

.. Petitioner

vs

- 1.The District Collector
Tiruppur District
Palladam Road
Tiruppur 641 604
- 2.The Tahsildar
Tiruppur South Circle
Palavanchipalayam Road
Tiruppur
- 3.The Commissioner
Municipal Corporation
Tiruppur
- 4.The Superintendent of Police
Sirupooluvapatti
Tiruppur
- 5.The Inspector of Police
Tiruppur South Police Station
Tiruppur
- 6.The Revenue Divisional Officer
O/o. The Revenue Divisional
Officer
Tiruppur
- 7.The Assistant Engineer
Highways Department K(MA) PA
(North)
Kumaran Salai
Tiruppur (North) 641 601
- 8.The Secretary
CITU
O/o. The CITU
Tiruppur

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider the representation dated 7.5.2015, within a stipulated time frame.

For Petitioner	:	Mr.S.K.Rakhunathan
For Respondent	:	Mr.V.Subbiah
		Special Government Pleader
		for RR1, 2 and 4 to 7
		Mrs.P.Shanthi for R3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he is carrying on business under the name and style of "Kumar Typewriting Institute and Kumar Xerox" at Old Door No.3, New Door No.320, Thulasi Road Veethi, Mangalam Road, Tiruppur Town, and the Tiruppur Municipal Corporation has put up platforms for the use of pedestrians; however, the cadre belonging to the eighth respondent, has put up a stage and erected a pole and also started consuming liquor, thereby causing nuisance to the general public as well as to the customers, who are coming to the shop of the petitioner, and the petitioner, in this regard, made a complaint dated 8.8.2014, to the Commissioner of Police, Tiruppur Range, followed by another complaint dated 3.9.2014, to the fifth respondent, and also sent a lawyer's notice dated 20.9.2014, to all the respondents, which was acknowledged on 22.9.2014, and sent a reminder dated 7.5.2015, once again, to all the respondents, which was also acknowledged on 8.5.2015, and since no action has been taken so far, to eradicate the nuisance, came forward to file this writ petition.

3.Mr.S.K.Rakhunathan, learned Counsel appearing for the petitioner, has drawn the attention of this Court to the photographs and would submit that admittedly, the eighth respondent has encroached the public pathway and committed nuisance and though it has been brought to the knowledge of the authorities repeatedly, in the form of representations, the concerned authorities turned a blind eye and for obvious reasons, they have not chosen to take any action whatsoever, against the eighth respondent and prays for appropriate orders.

4.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents 1, 2 and 4 to 7, and Mrs.P.Shanthi, learned Counsel, who accepted notice on behalf of the third respondent, also.

5.The Court has carefully considered the rival submissions and also perused the materials placed before it.

6.A minimum courtesy required of the authorities, who are performing public duty, is to consider and dispose of the representation in either way and though the petitioner has repeatedly brought to the notice of the authorities about the alleged encroachment and nuisance on the part of the eighth respondent, no action has been taken so far and not even the representations submitted by the petitioner in that regard, have been given disposal.

7.This Court, in the light of the above facts and circumstances, directs the respondents 1 and 3 to consider and pass orders on the petitioner's representations dated 20.9.2014 and 7.5.2015, in accordance with law, after putting on notice, the persons concerned, and if they decide to take action to eradicate the nuisance, the Commissioner of Police, Tiruppur City Municipal Corporation, is directed to extend all necessary assistance in this

regard. The respondents 1 and 3 are directed to complete the said exercise within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the persons concerned. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

- 1.The District Collector
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Tiruppur 641 604
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- 7.The Assistant Engineer
Highways Department K(MA) PA
(North)
Kumaran Salai
Tiruppur (North) 641 601

+1cc to Mr.S.K. Rakhunathan, Advocate, S.R.No.33824
+1cc to Mr.P. Shanthi, Advocate, S.R.No.33914
+1cc to the Government Pleader, S.R.No.34339

GJ(CO)
EU(16/07/2015)