

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/12/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.40077 of 2015

Mrs.A.Fathima

...

Petitioner

Vs

1. The District Collector
Salem District
Salem.

2. The Commissioner
Attur Municipality
Attur.

3. A. Loganathan

4. R. Saravanan

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to initiate action against the fourth respondent for interfering with the peaceful possession and enjoyment of the shop portion (leased premises) bearing Shop Nos.37 and 38, New Bus Stand, Attur Bus Stand, Attur, Salem District.

For petitioner

...

Mr.N.K.Vanan

For respondents

...

Mr.R.Rajeswaran

Special Government Pleader
for R.1.

Mrs.P.Rajalakshmi

Government Advocate for R.2.

O R D E R

With the consent of the learned counsel appearing for the parties, the writ petition itself is taken up for final disposal, at the admission stage itself.

2. Heard Mr.N.K.Vanan, learned counsel for the petitioner, Mr.R.Rajeswaran, learned Special Government Pleader for the first respondent and Mrs.P.Rajalakshmi, learned Government Advocate for the second respondent.

3. This writ petition has been filed praying to direct the second respondent to initiate action against the fourth respondent for interfering with the peaceful possession and enjoyment of the shop portion (leased premises) bearing Shop Nos.37 and 38, New Bus Stand, Attur Bus Stand, Attur, Salem District.

4. The case of the petitioner is that the lease in respect of shop Nos.37 and 38 in the new Bus Stand at Attur was transferred in the name of the petitioner, vide proceedings dated 6/6/2014. The original lessee was the third respondent.

5. The petitioner would state that for carrying out certain repair works, he had temporarily closed down the shop and the fourth respondent, who is the lessee of the neighbouring shop No.39 is said to have illegally trespassed into the petitioner's shops and occupied the same. In this regard, there is a complaint pending before the second respondent.

6. In the light of the above, there will be a direction to the second respondent to consider the representation of the petitioner dated 13/9/2015, after issuing notice to the petitioner and the respondents 3 and 4, and pass appropriate orders, on merits and in accordance with law, within a period of three weeks, from the date of receipt of a copy of this order.

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

mvs.

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Salem District, Salem.
2. The Commissioner
Attur Municipality
Attur.

+ 1 cc to Govt.Pleader SR 68229

+ 1 cc to Mr.N.K.Vanan, Advocate SR 68569

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