

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.32685 of 2013

and

M.P.Nos.1&2 of 2013 and M.P.No.1 of 2014

A.Abdul Sathar

.. Petitioner

Versus

The Commissioner,
Pollachi Municipality,
Pollachi

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondent, his men, agents, servants or any other persons claiming under him from in any manner interfering with petitioner's possession of the building put up by petitioner in the 600 sq.ft., of land situate at Venkatesa Colony, Reservoir Road, Pollachi.

For Petitioner : Mr.I.Abrar MD.Abdullah

For Respondent : Mr.P.Srinivas

ORDER

Heard Mr.I.Abrar MD.Abdullah, learned counsel appearing for the petitioner; Mr.P.Srinivas, learned counsel appearing for the respondent and by their consent, this Writ Petition is taken up for final disposal.

2. The petitioner seeks for a issuance of Writ of Mandamus, to forbear the respondent from in any manner interfering with the possession of the building put up by him to an extent of 600 sq.ft in the land situate at Venkatesa Colony, Reservoir Road, Pollachi.

3. The petitioner's case is that he is a lessee of the respondent having been granted an order dated 09.11.1990 and he has been carrying on business in the said area. The petitioner

has produced documents to show that he is in possession and enjoyment of the premises and has been remitting professional tax, water tax etc., The respondent now seeks to evict the petitioner on the ground that they are going to renovate the market area and put up proper platform and adequate roofing, so as to facilitate not only the traders but also the consumers.

4. Though in the counter, a stand has been taken that the petitioner is not a direct tenant of the municipality and the lessee is one Sankar Parameswaran and there is no direct contract between the petitioner and the respondent, this averment is not supported by any document.

5. On the contrary, the order dated 09.11.1990 issued by the respondent served on the petitioner shows that the petitioner has been recognized as a licensee/lessee. Therefore, if at all action has to be initiated against the petitioner, it should be only in accordance with law.

6. Accordingly, this Writ petition is disposed of by preventing the respondent from forcibly dispossessing the petitioner. However the respondent is at liberty to take action against the petitioner by following due process of law. Connected Miscellaneous Petitions are closed. No costs.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

nvi

To:

The Commissioner,
Pollachi Municipality,
Pollachi

+1 CC to MR.P.Srinivas Advocate. SR.NO. 66656
+1 CC to MR.R.Subramanian Advocate. SR.NO. 66672

WP.No.32685 of 2013

AR-IV
JD 18/12/2015