

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-03-2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.18262 OF 2015

S.Murugappan

...Petitioner

-Vs-

- 1.The Director of Town Panchayats,
Kurlagam, Chennai-600 104.
- 2.The Assistant Director of Town Panchayats,
Coimbatore-18.
- 3.The Executive Officer,
Chettipalayam Town Panchayat,
Coimbatore-641201.
- 4.The Assistant Divisional Engineer,
(Construction & Maintenance),
Highways Department, South Sub Division 7,
Coimbatore -18.
- 5.The Inspector of Police,
Chettipalayam,
Coimbatore-641 201.

...Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the second respondent to consider and pass appropriate orders on the representation of the petitioner dated 09.02.2015.

For Petitioner : Mr.S.Selvathirumurugan

For Respondents: Mr.R.Rajeswaran,
Spl.Govt.Pleader.

O R D E R

It is unfortunate that once again a shop owner of the area in Chettipalayam Town Panchayat has been compelled to approach this Court for a virtual identical relief by directing the respondents to consider their representation, where they have objected to parking of mini-lorries, vans etc., in front of the petitioner's shop, thereby preventing access to the petitioner's shop and affecting his business.

2. Earlier, Writ Petition was filed by one P.Boopathy in W.P.No.34913 of 2015 and this Court directed the authorities and police officials to inspect the area and take appropriate action, by its order, dated 05.11.2015. The operative portion of the said order reads as under:

"4. Since regulating of the parking area is within the purview of the Town Panchayat, the third respondent shall take appropriate action on the petitioner's complaint by taking an inspection of the area along with the police officials and if the complaint is found to be true, necessary action shall be taken within six weeks from the date of receipt of a copy of this order."

3. Learned counsel for the petitioner submits that the order has not been complied with and the petitioner is afraid of moving this Court for contempt, since police officials may take revenge against the shop owners.

4. It is rather surprising as to why the authorities have not taken any action in spite of a direction having been issued by this Court as early as 05.11.2015. Failure to comply with the direction itself amounts to wilful disobedience of the Executive Officer of Chettipalayam Town Panchayat and the police officials are bound to be punished for committing contempt of Court. Further, this Court is not inclined to immediately take such an action but offers one more indulgence to the authorities to comply with the earlier direction.

5. Accordingly, there shall be a direction to the third respondent to comply with the direction issued by this Court in W.P.No.34913 of 2015 in coordination with the fifth respondent, within a period of four weeks form the date of receipt of a copy of this order, after notice to all concerned. It is made clear that failure to comply with the direction would amount to violating two orders of this Court and inviting serious action against the officials concerned.

6. With the above direction, this Writ Petition is disposed of. No costs.
dixit

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

TO

1.The Director of Town Panchayats,
Kurlagam,
Chennai-600 104.

2.The Assistant Director of Town Panchayats,
Coimbatore-18.

3.The Executive Officer,
Chettipalayam Town Panchayat,
Coimbatore-641201.

4.The Assistant Divisional Engineer,
(Construction & Maintenance),
Highways Department, South Sub Division 7,
Coimbatore -18.

5.The Inspector of Police,
Chettipalayam,
Coimbatore-641 201.

+ 1 CC TO THE GOVT.PLEADER, SR 14330

+ 1 CC TO MR.S.SELVATHIRUMURUGAN, ADVOCATE SR 14129

KR/18/3/16

W.P.No.18262 OF 2015

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