

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5528 of 2016

S.Uthiramoorthy

.. Petitioner

Vs.

1. The District Collector,
Coimbatore District.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Ram Nagar, Coimbatore.

3. The Inspector of Police,
Sirumugai Police Station, Sirumugai,
Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the third respondent to consider the petitioner's representation, dated 14.09.2015, in the light of the order dated 06.08.2015 passed by the third respondent.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.S.Navaneethan, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the third respondent to consider the petitioner's representation, dated 14.09.2015, in the light of the order dated 06.08.2015 passed by the third respondent.

2. The case of the petitioner is that he is having 12 residential houses and a grocery shop in No.9/55.B, situated in S.No.78/3, Jeeva Nagar, Sathi Main Road, Sirumugai, Mettupalayam Taluk, Coimbatore District. It is the grievance of the petitioner that in front of the above said houses, taxi drivers park their vehicles and are causing disturbance to the residents of the houses. Therefore, the petitioner's mother filed a suit in O.S.No.116 of 2005 before the District Munsif Court, Mettupalayam, which was decreed ex-parte by judgment dated 26.07.2005. In spite of the said decree, the taxi drivers park

their vehicles in front of the petitioner's house and when the petitioner questions the same, the taxi drivers abuse him. Hence, the petitioner made complaints to the third respondent, who did not take any action. While so, in the entrance of the petitioner's house, the taxi drivers constructed a temporary toilet and use the same without getting proper permission from the second respondent, thereby causing inconvenience and health problems to the petitioner's family members. The petitioner relies on Rule 247 of the Tamil Nadu Motor Vehicle Rules, which reads as follows:

"Rule 247:- Fixing parking places for motor cabs.--The Commissioner of Police in the City of Madras and the Superintendent of Police in the district may, after consultation with such other authority as they may deem desirable, fix such places at which motor cabs may be parked either indefinitely or for a specific period of time and may fix such places at which motor cabs may stop for a longer time than is necessary for the taking up or setting down of passengers."

3. Therefore, it is the case of the petitioner that as per the above said Rule 247, the second respondent-Superintendent of Police has to give permission to park the cabs in front of the house of the petitioner herein. But the taxi drivers, without getting permission from the second respondent, had been parking their cabs in the Highway Poramboke land in front of the petitioner's house, thereby restraining the access of the petitioner to the main road. Hence, the petitioner filed W.P.No.17273 of 2015 before this Court, and this Court, by order dated 18.06.2015, disposed of the Writ Petition, with a positive direction to the third respondent herein to consider the petitioner's representation, dated 22.05.2015. It is the further case of the petitioner that the third respondent, on 06.08.2015, after conducting enquiry, passed an order, directing removal of the toilet, with certain observations mentioned therein and he sent communication to the other statutory authorities, and till then, the parties were directed to adhere to the order and maintain peace. Even thereafter, the taxi drivers are not adhering to the order of the third respondent and with vindictive intention, planted flags of certain political parties. Hence, the petitioner sent a representation, dated 14.09.2015 to the third respondent to take action against the violators, but the third respondent has failed to initiate action and the statutory authorities who are respondents 1 and 2, also failed to take action. Hence, the petitioner has filed this Writ Petition for the above relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

5. Considering the limited scope of the prayer made in the Writ Petition, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the third respondent to consider the said representation, dated 14.09.2015 of the petitioner and after giving an opportunity of hearing to the petitioner and necessary parties, dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Copy to

1. The District Collector,
Coimbatore District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Ram Nagar, Coimbatore.
3. The Inspector of Police,
Sirumugai Police Station, Sirumugai,
Coimbatore District.

+1cc to M/S.K.S.Karthik Raja, Advocate, S.R.No.9351

W.P.No.5528 of 2016

nm(CO)
srg(03/03/2016)

WEB COPY