

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.No.23341 of 2004

&

W.P.M.P.No.28263 of 2004

K.T.Elumalai

... Petitioner

-Vs-

1. The Executive Officer,
Karimangalam Town Panchayat,
Karimangalam, Palacode Taluk,
Dharmapuri District.
2. The President,
Karimangalam Town Panchayat,
Karimangalam, Palacode Taluk,
Dharmapuri District.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to construct a commercial building at No.3, Old No.22M-1, Near Ramasamy Koil Street, Karimangalam, Palacode Taluk, Dharmapuri District and allot a shop therein to the petitioner as assured by the respondents within the time that may be fixed by this Court and consequently forbear the respondents herein from in any manner constructing a common latrine at the said place.

For Petitioner : Mr.M.Tamil Thendral Arasu
For Mr.P.Mani

For Respondents : Mr.P.S.Jayakumar for R1 and R2

O R D E R

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus for a direction to the respondents to construct a commercial building at No.3, Old No.22M-1, Near Ramasamy Koil Street, Karimangalam, Palacode Taluk, Dharmapuri District and allot a shop therein to the petitioner as assured by the respondents within a time frame manner and consequently

forbear the respondents from in any manner constructing a common latrine at the said place.

2. Heard Mr.M.Tamil Thendral Arasu, learned counsel appearing for the petitioner and Mr.P.S.Jayakumar, learned counsel appearing for the respondents 1 and 2.

3. The petitioner is a lessee in respect of Shop bearing Door No.3/1, Old No.22M-1, Ramasamy Koil Street, Karimangalam, Palacode Taluk, Dharmapuri District and the petitioner is running a mutton stall in the said shop and he regularly paying rent to the first respondent-Town Panchayat and the said shop is in good condition. However, the second respondent after assuming as a President in the said office, started to give trouble to the petitioner and demanding money and attempting to block the shop and prevented the petitioner from carrying his business. Against the illegal action of the second respondent, the petitioner filed a Civil Suit in O.S.No.130 of 2003 against the second respondent for permanent injunction from interfering with the petitioner's possession of the said shop. While so, the respondents decided to put up a commercial building and directed the petitioner to hand over the possession of the said shop. Against which, the present Writ Petition is filed.

4. The learned counsel appearing for the respondents would submit that already a Civil Suit was filed by the petitioner in O.S.No.130 of 2003 and he was unable to secure any interim order and since the interim order was not granted in the said suit, the petitioner filed the present Writ petition in order to stall the development activities of the Panchayat. However, the Panchayat constructed the commercial complex, after demolishing the said shop.

5. In view of the above, nothing survives for adjudication in this Writ Petition. Accordingly, the Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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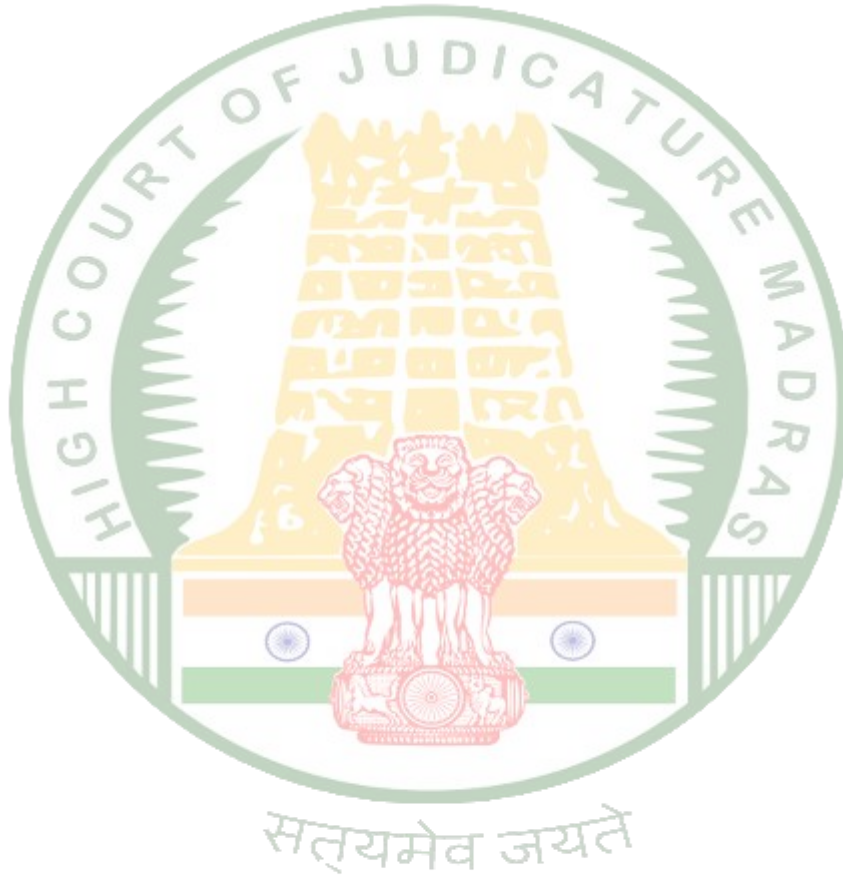
To

1. The Executive Officer,
Karimangalam Town Panchayat,
Karimangalam, Palacode Taluk,
Dharmapuri District.

2. The President,
Karimangalam Town Panchayat,
Karimangalam, Palacode Taluk,
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CS IV
CA(11/09/2017)



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