IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33984 of 2004
and
W.P.M.P.No.41094 of 2004

S.Rajan ... Petitioner

Vs.

1. The Commissioner,
   Coimbatore Municipal Corporation,
   Coimbatore.

2. The Inspector of Police,
   P2, Police Station,
   Coimbatore.

3.The Proprietor,
  Sri Krishna Sweets,
  R.S.Puram,
  Coimbatore. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent Corporation to forbear from interfering with the petitioner's possession of the north eastern corner of No.56A, Bashyakaralu Road, R.S.Puram, Coimbatore where he is carrying on the tea stall and the Kerosene Oil trade except by resort to the procedure contemplated under the Land Encroachment Act and also directing the 2nd respondent to give protection to the petitioner.

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For Petitioner : Mr.E.Duraivaiyapuri

For Respondent No.1 : Mr.J.Sathyanarayana Prasad for R1

For Respondent No.2 : Mr.A.Elumalai Government Advocate

O R D E R

This Writ Petition is filed by the petitioner for issuance of a Writ of Mandamus to direct the 1st respondent Corporation to forbear from interfering with the petitioner's possession of the north eastern corner of No.56A, Bashyakaralu Road, R.S.Puram, Coimbatore where he is carrying on the tea stall and the Kerosene Oil trade except by resort to the procedure contemplated under the Land Encroachment Act and also directing the 2nd respondent to give protection to the petitioner.

2. Learned counsel for the first respondent submitted that prior to filing of the writ petition, the tea stall was removed from the said place. In addition to that, he says that the petitioner can also file a petition before the civil court for appropriate remedy.

In view of the above submission, this writ petition is dismissed since nothing survives for adjudication. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2017

http://www.judis.nic.in

gv

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To

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   Coimbatore Municipal Corporation,
   Coimbatore.

2. The Inspector of Police,
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M.DHANDAPANI,J.

gv

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