



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.01.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.11801 of 2016andW.M.P (MD) No.9056 of 2016

V.Rameshkumar

... Petitioner

Vs.

1.The Commissioner,
Kumbakonam Municipality,
Kumbakonam - 612 001.

2.The Executive Officer,
Sri Kaasi Vishwanathar Kovil,
Kaasi Vishwanathar Kovil Street,
Kumbakonam,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to remove the mobile toilet that has been erected just at the entrance of the petitioner's shop situated at Door No.4/429, Mahamahakulam West Street, Kumbakonam, Tanjore District.

For Petitioner	: Mr.T.R.Subramanian
For R-1	: Mr.M.Rajarajan,
For R-2	: Mr.V.Chandrasekar

O R D E R

The petitioner seeks for a direction to the first respondent to remove the mobile toilet that has been erected just at the entrance of the petitioner's shop situated at Door No.4/429, Mahamahakulam West Street, Kumbakonam, Tanjore District.

2.The grievance of the petitioner is that the said mobile toilet put up during 'mahamaham festival' temporarily, has not been removed even after the festival is over, whereby causing hindrance to the petitioner to have ingress and egress to his shop.

3. The learned counsel appearing for the first respondent <https://hccsecreto.in/htsecreto/> the petitioner wanted to encroach upon the property, which is lying in front of his shop and therefore, he is seeking for removal of the mobile toilet.



4. The learned counsel appearing for the petitioner submitted that the petitioner is not having any intention to encroach upon the property available in front of the petitioner's shop and he would give an undertaking affidavit to that effect.

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5. Accordingly, today an affidavit of undertaking is filed by the petitioner, wherein it is stated as follows:

"I do hereby solemnly undertake that I will not put up any tent in front of Door No.4/429, Mahamahakulam West Street, Kumbakonam where the mobile toilet was stalled by the first respondent and is to be removed as per the direction of this Hon'ble High Court. I further undertake that the said mobile toilet stalled place will be used only for the ingress and egress of Door No.4/429, Mahamahakulam West Street, Kumbakonam."

6. The learned counsel appearing for the first respondent submitted that if the petitioner gives such undertaking, there will not be any impediment for the first respondent to remove the mobile toilet.

7. Accordingly, the above undertaking of the petitioner, is recorded and the first respondent is directed to remove the mobile toilet, within a period of two weeks from the date of receipt of a copy of this order. The petitioner should abide by the undertaking given before this Court and if there is any violation, it would be treated as contempt of this Court.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To
The Commissioner,
Kumbakonam Municipality,
Kumbakonam - 612 001.

+1CC to M/S.M.Rajarajan, Advocate, SR.No. 1673
+1CC to M/S.T.R.Subramanian, Advocate, SR.No. 1405

W.P.(MD)No.11801 of 2016
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