



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

And

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.17947 of 2018

and

WMP (MD) No.15825 of 2018

S.Najeebdeen

... Petitioner

vs.

1. The Principal Secretary to Government,
Municipal Administration and Water
Supply Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The District Collector,
Dindigul District, Dindigul.

3. The Member Secretary/Commissioner,
Kodaikanal Local Planning Authority,
Kodaikanal Municipality,
Kodaikanal.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to remove the lock and seal put up by the 3rd respondent in petitioner's shop within the Indian Club Premises, situated in Old Survey Number 382/AC2 correlated to New Survey in Ward - D, Blcok - 1, T.S.No.5 of Kodaikanal Town owned by the Indian Club, Kodaikanal and to conduct the enquiry on petitioner's representation, dated 27.07.2018.

For Petitioner

: Mr.L.Sam Jegan

For R1 & R2

: Mr.V.R.Shanmuganathan

Special Government Pleader

For R3

: Mr.T.S.Mohammed Mohideen

* * *

ORDER

(Order of the Court was made by T.RAJA, J.)

This writ petition has been filed seeking writ of Mandamus directing the respondents to remove the lock and seal put up by the 3rd respondent in petitioner's shop within the Indian Club Premises, situated in Old Survey Number 382/AC2 correlated to New



Survey in Ward - D, Block - 1, T.S.No.5 of Kodaikanal Town owned by the Indian Club, Kodaikanal.

2.The learned counsel for the petitioner submitted that the petitioner is a permanent resident of Kodaikanal and carrying business of Foam products, manufacturers and stockist for Foam,mattress, Cushions, Sofa Sets, Pillows and Carpet. He is also a wholesale dealer for the aforesaid products. While he is running the said business in the name and style of Essar Decorators at Indian Club Premises, P.T.Road, Kodaikanal, he has put up a shop structures by using wood and tin sheets. But he has not put up any kind of a building construction in the vacant land. The Tamil Nadu Electricity Board has provided Electricity service connection in his name and he has been paying the electricity charges regularly. This apart, he is also paying the provisional tax to the Kodaikanal Municipality and also Commercial Tax Department, under the GST No.33ANSPN2564K2ZH. As it is causing no inconvenience or a public nuisance, it cannot be construed as unauthorised construction. Therefore, the third respondent cannot hesitate to come forward to remove the lock and seal of the construction put up by the petitioner.

3.The learned counsel appearing for the third respondent objecting the above prayer submitted that the petitioner has no *locus standi* to come to this Court, as he is only a tenant, not even owner of the house in question, where the third respondent identifying the petitioner's encroachment, as unlawful encroachment, had already locked and sealed the said premises. He has further objected that when the landlord is kept quiet accepting the action taken by the third respondent, the petitioner who claims to be the tenant under the landlord, has no legal right to file this writ petition. He has also submitted that when the third respondent has already locked and sealed the premises in question, the petitioner, without getting any permission or making any representation whatsoever, has unauthorisedly unsealed the premises.

4.Having fully agreed with the submissions made by the learned counsel appearing for the third respondent, we are not inclined to entertain this writ petition. First of all, the petitioner has no *locus standi* to come to this Court, as he is neither the pattadar nor obtained any permission to put up even Tin sheets in the building in question. Therefore, the writ petition being bereft of any merits, is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1. The Principal Secretary to Government,
Municipal Administration and Water
Supply Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The District Collector,
Dindigul District, Dindigul.

3. The Member Secretary/Commissioner,
Kodaikanal Local Planning Authority,
Kodaikanal Municipality,
Kodaikanal.

+1cc to Mr.T.S.Mohammed Mohideen, Advocate Sr.No.78604
+1cc to Spl.Government Pleader Sr.No.78931

RJ2

VB/KAK/SAR1/31.08.2018/3P/6C

Order made in
W.P(MD)No.17947 of 2018
14.08.2018