

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.26222 of 2019

Mr.S.Prakash

.. Petitioner

/versus/

1.The Commissioner,
Coimbatore Corporation,
Coimbatore.

2.The Health Officer,
Singanallur,
Coimbatore Corporation,
Coimbatore.

3.Aswini.P,

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st and 2nd respondents to close down the abandon well located in the premises bearing No.2230, Devi & Co., Lane, Singanallur, Coimbatore South, Coimbatore 641 005 belong to the 3rd respondent and may be directed to take appropriate action based on the petitioner representation and complaint dated 27.06.2018, 08.10.2018 and 13.11.2018 and for consequential orders.

For Petitioner :Mr.J.Karunanithi

For Respondents :Mr.K.Magesh,

St.c. for R1 and R2

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing respondents 1 and 2 to close down the abandon well located in the premises bearing No.2230, Devi & Co., Lane, Singanallur, Coimbatore South, Coimbatore-641 005 belongs to the 3rd respondent and may be directed to take appropriate action based on the petitioner representation and complaint dated 27.06.2018, 08.10.2018 and 13.11.2018.

2. Heard the learned counsel appearing for the petitioner and learned standing counsel appearing for respondents 1 and 2.

3.The petitioner herein, who claims himself as tenant under the third respondent, wants to close down the open well located in the premises. He alleges that the open well causes health hazardous and due to which his wife affected by hepatitis and died on 06.07.2018.

4.This Court is unable to appreciate the contention of the petitioner that the well in the premises in which he claims to be the tenant cause health hazard so to close down the same against the wishes of the landlord. This sort of writ petitions has now become very common where by private disputes are given colour of public interest to invoke the writ jurisdiction. The dispute between the landlord and the tenant is sought to be settle by invoking Article 226 of the Constitution of India. If the petitioner feels not convenient in the premises, the best option for him is to vacate the premises. He cannot force the landlord to close the amenities available in the premises.

5. Hence, this writ petition is dismissed as frivolous.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1.The Commissioner,
Coimbatore Corporation,
Coimbatore.

2.The Health Officer,
Singanallur,
Coimbatore Corporation,
Coimbatore.

+1 cc to M/s.K.Magesh,Advocate Sr.No. 76329

AKM/25.09.19/2P-4C /

W.P.No.26222 of 2019