

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5017 of 2014

S.Rajendran

..Petitioner

.Vs.

1. Commissioner
Namakkal Municipality
Namakkal, Namakkal District
2. The Town Planning Officer
Namakkal Municipality
Municipality Office
Paramathi Road, Namakkal 637 001
Namakkal District
3. The Divisional Engineer
Tamil Nadu Electricity Board
Gandhi Nagar Over Tank Road
Namakkal, Namakkal District
4. The Conservation Assistant Commissioner
Archaeology Survey of India
DNHD Housing Board Commercial Complex
Rajaram Nagar, 2nd Floor
Salem - 7
5. Inspector of Police
Town Police Station, Namakkal
Namakkal District
6. S.Raja
President
Sourashtra Vibra Sabha
11, Dhooban Kumarasamy Street
Namakkal District
7. C.Ganesh Devaraj
Indu Bakery
Thiruchengodu Road, Namakkal
Namakkal District

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to dispose of petitioner's representation dated 4.2.2014.

For Petitioner : Mr.S.Gunaseelan, No Appearance
For Respondents : Mr.S.M.Deenadayalan for R4
Mr.V.Shanmugasundar, Spl.GP for R5
Mr.R.Karthikeyan, for R6
Mr.C.Jagadish for R7
R1 to R3 served. No Appearance

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to dispose of his representation dated 4.2.2014.

2. Petitioner's father late R.Subbarayan has constructed a shop measuring 1063-1/2 sq.ft. and paying rent to the 6th respondent. His father was running a photo studio under the name and style Singapore Photo Studio in Namakkal for more than five decades and after the death of his father, his mother Mrs.Lakshi Ammal was running the studio. According to him, his mother was not able to run the photo studio due to her age and health condition and hence she has given a no objection letter to the Labour Department to change her name in the certificate of registration issued by them and name change was also effected in favour of the petitioner. He has also made changes in the Professional Tax Register based on the no objection letter.

3. While so, the 6th respondent, in order to evict the petitioner, the sixth respondent has entered into a rental agreement with the 7th respondent and attempted to evict the petitioner with the help of rowdy elements. Hence the petitioner has given a complaint to the Superintendent of Police, Namakkal District, but no action seemed to have been taken. Hence he has filed a suit in O.S. No.317 of 2013 before the District Munsif Court, Namakkal against the respondents 6 and 7 for a permanent injunction, not to evict him from the shop. It is his further submission that the respondents 6 and 7, with the help of henchmen, have stolen camera, printer, film developing instruments in the shop of the petitioner. Hence he has given a complaint to the 5th respondent on 21.09.2013 and the 5th respondent has not taken any action on his complaint. Hence he has filed a private complaint before the learned Judicial Magistrate Court-I, Namakkal and the learned Judicial Magistrate No.1, Namakkal directed the fifth respondent to register an FIR and to submit a report. As there was no progress in the investigation, he has filed a petition in CrI.O.P. No.29243 of

2013 and this court passed an order on 14.11.2013 directing the 5th respondent to investigate expeditiously.

4. According to the petitioner respondents 6 and 7 are trying to demolish the shop in order to evict him. He further submitted that if the respondents 6 and 7 would succeed in their attempt, without getting any order from respondents 1 and 2, he would lose his business. Hence he has sent a representation to the respondents 1 to 4 on 4.2.2014 to prevent the respondents 6 and 7 from doing any illegal act of evicting him. As his representation was not considered and disposed of, he has approached this court with the above writ petition.

5. There is no representation for the respondents 1 and 2, even after passage of six years. There is no representation for the petitioner as well.

6. Hence, considering the facts and circumstances of the case and that no representation for the petitioner as well as the respondents, this Court, without expressing any opinion on the merits of the representation, directs the first respondent to consider petitioner's representations dated 04.02.2014, if not considered already, and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

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Town Police Station, Namakkal
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+1cc M/s.S.Gunaseelan, Advocate, Sr.No.32304
+1cc to Mr.S.M.Deena Dayalan, Advocate, Sr.No.32391

W.P.No.5017 of 2014

rt (co)
rr ii (01/12/2020)