



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.09.2020

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THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

W.P. (MD)No.10609 of 2020

WEB COPY

C.Nelson

...Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

3.The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to remove the auto stand from in front of the petitioner's complex, situated at Survey Nos.141/3, 393/6, 85/8C and 220/9A, Mangattukadai, Kumarankudi Village, Thiruvattar Taluk, Kanyakumari District, based on the petitioner's representation dated 25.02.2020.

For Petitioner
For Respondents

: Mr.G.Gomathi Sankar
: Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to remove the Auto Stand situated in front of the petitioner's complex at Survey Nos.141/3, 393/6, 85/8C and 220/9A, Mangattukadai, Kumarankudi Village, Thiruvattar Taluk, Kanyakumari District, based on the representation given by the petitioner, dated 25.02.2020.

2.The grievance of the petitioner is that he is having a Multi Storeyed Complex, in which, he leased out certain shops to various persons. Recently, the persons, who are having the Auto, parked their Autos in front of the Complex owned by the petitioner. The petitioner would submit that due to parking of Autos in front of the complex owned by him, it is very difficult to conduct business in the shops, which were leased out by him. Hence, it is necessary to direct the respondent police to evict the Autos, which were parked opposite to the petitioner's Complex and also direct the Auto



Drivers not to park the Autos in front of the petitioner's Complex.

3.In this regard, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents would submit that in earlier, in respect of the representation given by the petitioner dated 25.02.2020, the third respondent Police initiated an enquiry in C.S.R.No.575 of 2020. During the time of enquiry, the Auto Drivers, who caused hindrance to the petitioner, appeared before the third respondent Police and gave an undertaking that they will not park the Autos further in front of the Complex owned by the petitioner. Recording the said undertaking given by the Auto Drivers, the enquiry initiated as above was closed and as of now, the Auto Drivers, who gave the above said undertaking, have not parked their vehicles in front of the petitioner's Complex.

4.Upon considering the arguments advanced by the learned counsel appearing on either side, no further order is necessary in this Writ Petition, as already the grievance redressed by the petitioner was resolved through the enquiry initiated in C.S.R.No.575 of 2020, on the file of the third respondent Police.

5.In view of the above, this Writ Petition is closed. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-15858[F] dated
03/09/2020)

W.P. (MD) No.10609 of 2020
01.09.2020

KB(10.09.2020) 3P 6C