



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.19098 OF 2021

AND

W.M.P.NO.20379 OF 2021

A.R.Ayyappan

...Petitioner

-Vs-

1. The Commissioner
Corporation of Coimbatore, Main Office
Town Hall, Coimbatore - 641 001.
2. The Assistant Commissioner
Corporation of Coimbatore
R.S.Puram, West Zone
Coimbatore - 641 002.
3. The Inspector of Police
C-3, Police Station
Mettupalayam Road
Saibaba Colony
Coimbatore-641 043.
4. Uzhavar Mani
5. Venkatesh
6. Subramaniam

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to dispossess the 4th and 5th respondents from Shop No.4, M.G.R.Market, Mettupalayam Road, Coimbatore-641 043 with the help of 3rd respondent herein.

For Petitioner : Mr.R.Lakshmi Narasimhan

For Respondents : Mr.S.Saravanan
Standing Counsel -
for RR 1 and 2

Mr.A.Selvendran
Government Advocate - for R3



O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the first and second respondents to take action against the fourth and fifth respondents, who, according to the petitioner have illegally trespassed into the shop that was allotted to the petitioner.

2. Heard Mr.R.Lakshmi Narasimhan, learned counsel appearing for the petitioner, Mr.S.Saravanan, learned Standing Counsel appearing for Respondents 1 and 2 and Mr.A.Selvendran, learned Government Advocate appearing for the third respondent.

3. The case of the petitioner is that, he was allotted Shop No.4 by the first and second respondents in the year 1993. There was some dispute between the partners and the same resulted in one of the party filing a suit in O.S.No.642 of 2009 against the petitioner and one Chidambaram. The suit was however dismissed for default on 13.12.2012 and according to the petitioner, this order has become final.

4. The grievance of the petitioner is that, the fourth and fifth respondents have trespassed into the shop and they are carrying on with the business. The petitioner had sent a legal notice in this regard on 30.06.2021 to the first and second respondents. Since no action was taken, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the petitioner to submit a fresh representation to the first and second respondents within a period of two weeks from the date of receipt of a copy of this order. The first and second respondents shall consider the same and take a decision / action within a period of four weeks thereafter by affording opportunity to all parties concerned.

6. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

kst



To

1. The Commissioner
Corporation of Coimbatore, Main Office
Town Hall, Coimbatore - 641 001.

2. The Assistant Commissioner
Corporation of Coimbatore
R.S.Puram, West Zone
Coimbatore - 641 002.

3. The Inspector of Police
C-3, Police Station
Mettupalayam Road
Saibaba Colony,
Coimbatore-641 043.

+1cc to Mr.R.Lakshmi Narasimhan, Advocate, S.R.No.50744

+1cc to Mr.S.Saravanan, Advocate, S.R.No.50678

+1cc to the Government Pleader, S.R.No.50908

W.P.No.19098 of 2021

PCH(CO)
RLP(26/10/2021)