



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.20867 of 2021

M/S.Elmech Equipment Company,
Represented by its Managing Partner,
Mr. S.Jyothi Prakash,
Door No.8/952, Avinashi Road,
Coimbatore - 641018

... Petitioner

-Vs-

1. The Commissioner,
Coimbatore Corporation,
Town Hall,
Coimbatore - 641001

2. Kamrudeen Abbas Moaiyadi,

3. Umesh Kumar Gupta

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other writ writ in the nature of writ of mandamus directing the 1st respondent to permit the petitioner to remove the debris in the first floor of the building at Door No.952, Avinashi Road, Coimbatore - 641008, in pursuance to the notice dated 19.11.2020 issued by the 1st respondent.

For Petitioners : Mr. A.S.Baalaji

For Respondents : Mr. K.Magesh
Standing Counsel for R1

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to permit the petitioner to remove the debris lying in the first floor of the subject property.

2. Heard the learned counsel appearing on behalf of the petitioner and Mr. K.Magesh, learned Standing Counsel appearing on behalf of the 1st respondent.

3. It is seen from records that the petitioner is a lessee under the 2nd and 3rd respondents. There seems to be some dispute between the parties and the petitioner has already filed a suit in



O.S.No. 1139 of 2020 before the District Munsif Court, Coimbatore seeking for the relief of permanent injunction not to evict him unless otherwise by due process of law. The grievance of the petitioner is that the landlord in order to illegally evict the petitioner is taking steps to demolish the 1st floor and this is being done with the connivance of the officials belonging to the 1st respondent Corporation. Therefore, the petitioner has come before this Court seeking for issuance of direction to the 1st respondent Corporation to permit the petitioner to remove the debris.

4. In the considered view of this Court, the Corporation does not come into the scene for the nature of relief that has been sought for by the petitioner. If there are debris in the property, it is for the landlord to give a permission for removing the same. The main grievance of the petitioner is that the landlord is adopting ways and means to illegally evict the petitioner from the subject property. If there is such an apprehension, the petitioner can always move an appropriate interlocutory application in the pending suit and seek for the necessary relief to safeguard their possession. Except giving this clarity, no further orders can be passed in this writ petition. This Writ petition is disposed of accordingly. No costs.

rka/sha

-SD/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Commissioner,
Coimbatore Corporation,
Town Hall,
Coimbatore - 641001

2 THE DISTRICT MUNSIF JUDGE,
COIMBATORE.

+1 C.C. to MR.A.S.BAALAJI, Advocate SR.NO. 50305/2021

+1 C.C. to MR.K.MAGESH, Advocate SR.NO. 50639/2021

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RLD (CO)
TP (22/10/2021)