



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2541 of 2021

N.Mukesh Kumar

... Petitioner

-Vs-

The Madurai City Municipal Corporation,
Rep. by its Commissioner,
Madurai.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to unseal the shop and permit the petitioner to take back his goods, materials, furniture and all his belongings from shop No.11/6, Kannivadi, Ramanathan Lane, Navabath Gana Street, Madurai.

For Petitioner : Mr.T.Antony Arulraj
For Respondent : Mr.L.P.Maurya

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner states that he is a tenant in respect of the petition mentioned shop. He has been carrying on his business in textiles in the name of Arbuda Fashions. The petitioner has some dispute with his landlord resulting in filing of R.C.O.P.No.199 of 2014 by the petitioner for deposit of rents. A nearby building caught fire leading to unfortunate death of two fire service personnels. Thereafter, the respondents had taken steps to identify old and weak buildings. The building in which the petitioner is carrying on his business was also identified as one such building. It was therefore locked and sealed. All that the petitioner wants is permission to remove the belongings that are inside the shop. The petitioner has placed materials before this Court indicating that it is he who is in possession of the shop in question as a tenant. Therefore, the items that are inside the shop can definitely be removed by the petitioner.

3.The respondent is directed to unseal the petition mentioned shop for a period of three days and permit the petitioner to access the same. The petitioner can enter the shop in question and remove all the goods materials and furniture that belong to him. Of-course, the petitioner cannot permit to remove the permanent



fixtures such as fans, lights or the electrical connections. In other words, the petitioner can take only those goods that belong to him. The petitioner has to prepare the inventory and serve the copy of the same on the concerned Corporation Officials.

4.The Writ Petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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

The Commissioner,
Madurai City Municipal Corporation,
Madurai.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-4463[F] dated
11/02/2021)

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(DKS)CO

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