



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.20854 of 2021

and

W.M.P. (MD) .No.17466 of 2021

N.Thangapandi

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Collectorate Post, Dindigul - 624 004.

2.The Corporation Commissioner,
Office of the Corporation Commissioner,
Main Road, Dindigul - 624 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent to allot a shop to the petitioner at attached to the complex situated at Kamarajar Bus Stand, Dindigul Corporation, Dindigul as per undertaking memo filed by the second respondent dated 17.04.2018.

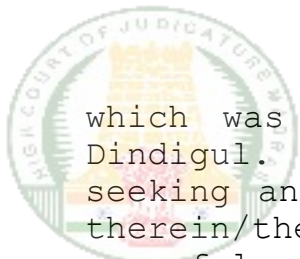
For Petitioner	: Mr.L.Prabhu
For R-1	: Mr.S.Kameswaran Government Advocate
For R-2	: Mr.J.Lawrance Standing Counsel

ORDER

Mr.S.Kameswaran, learned Government Advocate appears for the first respondent and Mr.J.Lawrance, learned Standing Counsel appears for the second respondent.

2. This Writ Petition has been filed in the nature of Mandamus seeking a direction to the second respondent/the Corporation Commissioner, Dindigul District to allot one shop to the petitioner in the complex at Kamarajar Bus Stand, Dindigul Corporation in Dindigul District.

3. It is claimed by the petitioner that the second respondent had given an undertaking memo on 17.04.2018 in a suit which had been filed by the petitioner namely O.S.No.499 of 2017,



which was pending before the Principal District Munsif Court at Dindigul. The said suit had been filed by the petitioner herein seeking an order of permanent injunction restraining the defendant therein/the second respondent herein from interfering with the peaceful possession of the petitioner's shop. It has to be mentioned that the said suit went for trial and the petitioner herein, was therefore examined as PW-I. He had also filed exhibits P1 to P6. Exhibit P6 which was marked with objection was the undertaking memo referred by the petitioner herein.

4. A specific issue was framed by the learned District Munisf during the course of trial with respect to whether such a relief can be granted to the petitioner herein/plaintiff therein. Finally, on appreciation of evidence, the suit was dismissed. In the course of examining particularly the fourth issue, the learned Principal District Munsif had very specifically stated that even though the undertaking memo was part of the Court records, the writ petitioner/plaintiff therein had not sought for any such relief to allot one shop to the petitioner/plaintiff on the basis of the undertaking memo and further, the Court cannot grant any such relief. Holding so, the suit was dismissed on merits.

5. I am informed that an appeal had been filed by the petitioner as against the said suit. If at all the petitioner seeks any relief, then he must approach the said Appellate Court and get necessary relief, of course, provided it is within the rules, but claiming the same relief before this Writ Court cannot be of any use to the petitioner.

6. Accordingly, this Writ Petition is dismissed and there shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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 District Collector,
Office of the District Collector,

<https://hccsecreto.rs.gov.in/hccse/Pages>, Dindigul - 624 004.



COPY TO:-

The Principal District Munsif,
Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-37548[F] dated 07/12/2021)

+1 CC to M/s.SPL GP (SR-37584[F] dated 07/12/2021)

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MMS (CO)
GC (13.12.2021) 3P 5C