



W.P.No.4457 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.12.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.4457 of 2021

R.Vijayamohan

... Petitioner

Vs.

1.The District Collector  
Coimbatore District  
Coimbatore

2.The Commissioner  
Coimbatore Corporation  
Coimbatore

3.A.K.Steel  
405, Bharatiyar Road  
Siddhaputhur  
Coimbatore 641044

4.J.K.Steel  
405, Bharatiyar Road  
Siddhaputhur  
Coimbatore 641044

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India  
praying for issuance of Writ of Mandamus, to direct the respondents 1



W.P.No.4457 of 2021

and 2 to consider the representation dated 13.08.2020 under Section 360, 361 and 362 of the Coimbatore City Municipal Corporation Act, 1981 and pass orders within a time frame.

For Petitioner : Mr.Dhanaram Ramachandran

For Respondents : Mr.S.Rajesh  
Government Advocate for R1

Mr.K.Magesh for R2

Mr.M.N.Balakrishnan for R3 & R4

### **ORDER**

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to consider the representation dated 13.08.2020 under Section 360, 361 and 362 of the Coimbatore City Municipal Corporation Act, 1981 and pass orders within a time frame.

2.It is the case of the petitioner that the 3<sup>rd</sup> and 4<sup>th</sup> respondent herein are illegally storing, cutting, welding, winding etc., of Aluminum, Steel, Copper using heavy machinery, thereby causing heavy noise disturbance to the neighbours and to the general public. Therefore, the



W.P.No.4457 of 2021

WEB COPY

petitioner has given representation to the 1<sup>st</sup> respondent to take action under Section 360, 361 and 362 of the Coimbatore City Municipal Corporation Act, 1981. However, the said representation has not been considered mainly on the ground that a Suit for bare injunction is pending. Hence the petition.

3.Heard Mr.Dharam Ramachandran, the learned counsel for the petitioner and Mr.S.Rajesh, the learned Government Advocate appearing for the 1<sup>st</sup> respondent.

4.From the above submissions, it is clear that a Suit for bare injunction is pending before the Civil Court and now a representation has been given to conduct enquiry and to take action. Therefore, mere pendency of the Suit will not stop the respondents from considering the representation of the petitioner and to pass order on merits if there is any violation in accordance with law.



WEB COPY



W.P.No.4457 of 2021

N.SATHISH KUMAR, J.

kas

5. Therefore the 1<sup>st</sup> respondent is hereby directed to consider the representation of the petitioner dated 13.08.2020 and pass orders on merits as per law within a period of two (2) months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands allowed. No costs.

05.12.2022

kas

Index : yes / no

Internet : yes / no

Speaking / Non speaking

To

1. The District Collector  
Coimbatore District  
Coimbatore

2. The Commissioner  
Coimbatore Corporation  
Coimbatore

W.P.No.4457 of 2021