

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.10655 OF 2022

AND

W.M.P.NO.10298 OF 2022

M/s.Kuttys  
Registration No.653/1973  
A Registered Partnership Firm  
Rep. by its Partner Mr.Mohammed Ali  
No.131, MTH Road, Padi,  
Chennai- 600 050

... Petitioner

Vs.

1. The Deputy Commissioner of Police  
Traffic Enforcement,  
Avadi, Chennai-600 054.
2. The Assistant Commissioner of Police  
Traffic Enforcement,  
Madhavaram,  
Chennai - 600 060
3. The Inspector of Police  
(Enforcement Wing)  
T-1, Ambattur Traffic Police,  
III Main Road, Banu Nagar  
Ambattur, Chennai-600 053
4. LPF Auto Drivers Union (Previously known as  
Ambattur Estate Auto Drivers Association) rep.  
By its Secretary G.Parthiban  
Ambattur Industrial Estate,  
MTH Road, Padi, Chennai-600 050

... Respondents

Prayer: This Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents 1 to 3 to prevent the 4<sup>th</sup> respondent, its office bearers and members from in any manner obstructing or

preventing the ingress and egress to the commercial building complex bearing No.131, MTH Road, Padi, Chennai, either by parking their vehicles (Auto Rickshaws) or in any other manner on the basis of the representation dated 16.02.2022 and 21.01.2022.

For Petitioner : Mr.B.Harikrishnan

For Respondents-1 to 3 : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

#### ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 to 3 to prevent the 4<sup>th</sup> respondent, its office bearers and members from in any manner obstructing or preventing the ingress and egress to the commercial building complex bearing No.131, MTH Road, Padi, Chennai, either by parking their vehicles (Auto Rickshaws) or in any other manner on the basis of the representation dated 16.02.2022 and 21.01.2022.

2. Notice has been served on the private respondent.

3. The learned counsel for the petitioner would submit that already a civil decree for permanent injunction was obtained in the year 2020 against the Ambattur Estate Auto Drivers Association. Despite the same, the autos are parked in front of the petitioner/commercial building complex which is admittedly not a parking zone. Despite the representation made by the petitioner before the respondent police, they have not taken any action.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3 and perused the materials on record.

5. As rightly pointed out by the learned counsel for the petitioner, the civil Court in O.S.No.241 of 2017 has passed a decree on 21.08.2020 restraining the 4<sup>th</sup> respondent (Ambattur Estate Auto Drivers Association) from interfering with the peaceful possession and also from obstructing, blocking preventing free ingress and egress to the commercial establishment.

6. When such view of the matter, it is the duty of the police to take necessary action and to prevent such auto drivers from parking Autos particularly when there is no parking zone in front of the commercial building complex.

7. With the above directions, this Writ Petition is Allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ksa-2/gd

To

1. The Deputy Commissioner of Police  
Traffic Enforcement,  
Avadi, Chennai-600054.
2. The Assistant Commissioner of Police  
Traffic Enforcement,  
Madhavaram,  
Chennai - 600060
3. The Inspector of Police  
(Enforcement Wing)  
T-1, Ambattur Traffic Police,  
III Main Road, Banu Nagar  
Ambattur, Chennai-600053
4. The Public Prosecutor,  
High Court, Madras.

+1cc to M/s.B.Harikrishnan, Advocate, S.R.No.38650

W.P.No.10655 of 2022 and  
W.M.P.No.10298 of 2022

SJ(CO)  
RLP(05/07/2022)