



WEB COPY



W.P. No. 30799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 30799 of 2022

and

W.M.P. Nos. 30230 and 30232 of 2022

R. Balasubramaniam

... Petitioner

-VS-

1. The Commissioner,
Coimbatore Corporation,
Coimbatore.

2. K.Ramakrishnan

3. Gowri Ramakrishnan

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari to call for records of the First Respondent dated 02.11.2022 under Section 327 of the Coimbatore City Municipal Corporation Act, 1981, and quash the same.

For Petitioner : Mr. R.Babu

For Respondents : Mr. N.Umapathy (For R1)

ORDER

Heard Mr. R.Babu, Learned Counsel for the Petitioner and Mr. N.Umapathy, Learned Counsel for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition challenges the order dated 02.11.2022 passed by the First Respondent under Section 327 of the Coimbatore City Municipal Corporation Act, 1981, in which the Petitioner has been directed to vacate from the building situated at Door No. 450, R.G.Street, Coimbatore – 641001 occupied by him as tenant of the Second and Third Respondents.

3. It is borne out from the record that a similar order passed against the Petitioner had been challenged by him in the Writ Petition in W.P. No. 20235 of 2020 before this Court, which was dismissed by order dated 27.06.2022 with liberty to file appeal against the said order under Section 452 of the Coimbatore City Municipal Corporation Act, 1981, within a period of 15 days from the date of its receipt and it had been made clear that if no such appeal had been filed and interim order obtained, the First Respondent shall take necessary steps to proceed further in that regard.

4. Learned Counsel for the First Respondent has filed a memo dated 21.11.2022 stating that the Petitioner has not preferred any such appeal and had submitted a written undertaking on 14.11.2022 to vacate the building by removing all his belongings by 16.11.2022 in view of the continuous rain and



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as he did not comply with the same, the building has been sealed on 17.11.2022

in terms of the impugned order in furtherance to the aforesaid order passed by the Court.

5. In such circumstances, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition and makes a fervent plea that the Petitioner may be permitted to remove his belonging from the building and he has made an endorsement to that effect in the court record. The Fourth Respondent shall do the needful when a written requestion is made in that regard.

6. In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

21.11.2022

Maya

Index: Yes/No

Note: Issue order copy by 05.12.2022.

To

The Commissioner,
Coimbatore Corporation,
Coimbatore.



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P.D. AUDIKESAVALU, J.

Maya

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