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W.P.No.33129 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Writ Petition No.33129 of 2022

T.James Raja

.. Petitioner

Vs.

1.The Commissioner
Pollachi Municipality
Pollachi.

2.Ashraf Ali

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to remove the illegal structure raised by the 2nd respondent in a public place that belong to the Municipality adjoining Gandhi Weekly shandy and the junction of Market Road at Pollachi.



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For Petitioner : Mr.V.Lakshmi Narayanan

For R1 : Mr.B.Anand
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to remove the illegal structure raised by the 2nd respondent in a public place that belong to the Municipality adjoining Gandhi Weekly shandy and the junction of Market Road at Pollachi.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.B.Anand, the learned Standing Counsel, who takes notice for the 1st respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner, who is claiming to be one of the ward members of 1st respondent Municipality contends that within his ward limit, the 1st respondent gave permission to the 2nd respondent to put up a temporary



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structure in the property next to Gandhi Weekly Market. Contrary to the said permission, the 2nd respondent has put up unauthorised permanent structure and is carrying on mutton and chicken stalls in a very unhygienic condition. The petitioner gave a representation dated 07.11.2022 to the 1st respondent and various authorities including the Regional Commissioner, Municipal Administration, Tiruppur. The Regional Commissioner, Municipal Administration, Tiruppur, directed the 1st respondent to take action against the 2nd respondent. Inspite of such direction, the 1st respondent has not taken any action. Hence, the petitioner has come out with the present writ petition.

4.Mr.B.Anand, learned Standing Counsel appearing for the 1st respondent submitted that there is no license issued to the 2nd respondent and permanent structure will be removed with the aid of Police within the time limit fixed by this Court.

5.Considering the above submissions of the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the 1st respondent and nature of relief sought for in the present writ petition, the 1st



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respondent is directed to take appropriate action for removal of the unauthorised structure put up by the 2nd respondent after issuing notice to the petitioner as well as the 2nd respondent, within four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
09.12.2022

Index : Yes / No
Internet : Yes / No

Note: Issue order copy on 12.12.2022

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To

The Commissioner
Pollachi Municipality
Pollachi.



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V.M.VELUMANI, J.
and
R.HEMALATHA,J.

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