



W.P.(MD)No.7271 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7271 of 2022

S.A.Mahindaran Babu

... Petitioner

Vs.

1.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

2.The Chairman,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to continue his business in Shop in Old No.25 and New No.079/3125 situated in the Bryant's Park, Kodaikanal Municipality by considering the petitioner's representation dated 17.03.2022.

For Petitioner : Mr.T.Palanisamy

For R1 : Mr.T.S.Mohamed Mohideen

For R2 : no appearance



W.P.(MD)No.7271 of 2022

WEB COPY

ORDER

Heard the learned counsel on either side.

2. The petitioner was granted license to run the shop bearing old Door No.25 in Bryants Park, Kodaikanal. The grievance of the petitioner is that the respondents have unauthorizedly shut it down. That led to filing of the present writ petition.

3. When the matter was taken up for hearing, the learned standing counsel appearing for the first respondent submitted that the petitioner had committed encroachment on the adjacent property and had put up a shop therein and that is why, the impugned action came to be taken.

4. The learned counsel appearing for the petitioner states that the petitioner would not commit any encroachment and that he would confine his business to running from the licensed premises alone. The said undertaking is recorded. The respondent can also make appropriate provision to ensure that there is no encroachment committed by the



W.P.(MD)No.7271 of 2022

WEB COPY

petitioner. The respondent can even raise a partition wall but without anyway reducing the extent allotted to the writ petitioner. The petitioner is also directed to withdraw the suit filed by him before the jurisdictional civil court. The respondent shall permit the petitioner to open the shop in question immediately and without any delay.

5. The Writ Petition is allowed. No costs.

21.07.2022

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 25.07.2022



WEB COPY



W.P.(MD)No.7271 of 2022

G.R.SWAMINATHAN,J.

rmi

W.P.(MD)No.7271 of 2022

21.07.2022