



W.P.(MD).No.12027 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.12027 of 2015

and

M.P.(MD)No.1 of 2015

S.Shabhaba

... Petitioner

Vs.

1.The Commissioner,
Madurai City Municipal Corporation,
Tallakulam, Madurai.

2.K.Samsudeen

3.K.Rabeek Raja

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondent no.1 and his subordinates not to seal the petitioner's shop in Shop No.12, in R.M.S.Road in Pandi Bazaar, Madurai.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.R.Murali
For R2 and R3	: No appearance

ORDER

The writ petition has been filed seeking a writ of Mandamus,



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forbearing the first respondent and his subordinates not to seal the petitioner's shop in Shop No.12 in R.M.S.Road in Pandi Bazaar, Madurai.

2.According to the petitioner, the original allottee of the shop is one K.Rabeek Raja, who has entered into a partnership agreement with the writ petitioner and thereafter, relinquished his right, resulting in handing over of the shop to the writ petitioner. Based upon the said handing over, an allotment order was issued in favour of the writ petitioner by the first respondent on 31.12.2010. However, the second respondent also made a claim to the said shop based upon some other document. In view of the dispute between the petitioner and the second respondent herein, the first respondent attempted to seal the premises. Hence, the present writ petition.

3.According to the learned Standing Counsel appearing for the first respondent, in view of the dispute between three private parties, the shop has also been sealed and the possession is with the first respondent.



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4.The said fact is recorded. The prayer in the writ petition is to forbear the first respondent from sealing the premises. Since the premises is already sealed, no further orders are required in the writ petition. Hence, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

Order made in
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