



WEB COPY



W.P.No.7582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.7582 of 2023

M.Thamarai Selvan

.. Petitioner

Vs.

1.The District Collector,
Erode District.

2.The Commissioner,
Corporation of Erode,
Erode District.

3.The Member Secretary,
Chithode New Town Development Authority,
Opposite to Government I.T.I.,
Chennimalai Road, Erode – 638 009.

4.M.Shanmugasundaram

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd Respondent to temporary de-seal and permit the petitioner to remove all the belongings, machinery, equipments, etc., lying inside the building in S.No.432/8, RE-Survey No.432/8C situated at Suriyampalayam “B” Village, Sottaiyampalayam, Ward No.4, Erode Taluk, Erode.



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For Petitioner : Mr.D.Santhan Kugan
for Ms.S.Kiruthika

For RR1 & 3 : Mr.A.Selvendran
Special Government Pleader

For R2 : Mr.P.Gurunathan
Additional Government Pleader

ORDER

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

The petitioner has come out with the present Writ Petition for a direction to the 2nd respondent to temporarily de-seal and permit him to remove all the belongings, machinery, equipments, etc., lying inside the building in S.No.432/8, RE-Survey No.432/8C situated at Suriyampalayam “B” Village, Sottaiyampalayam, Ward No.4, Erode Taluk, Erode.

2.By consent of learned counsel appearing for the petitioner, Mr.A.Selvendran, learned Special Government Pleader, who takes notice for respondents 1 & 3 and Mr.P.Gurunathan, learned Additional Government Pleader, who takes notice for 2nd respondent, this Writ Petition is taken up for final disposal at the admission stage itself.



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3.Heard the learned counsel appearing for the parties and perused the entire materials on record.

4.According to petitioner, he is a lessee under the 4th respondent for the building situate at S.No.432/8, RE-Survey No.432/8C, Suriyampalayam “B” Village, Sottaiyampalayam, Ward No.4, Erode Taluk, Erode and is running a Power Loom Textile Industry in the name and style of 'Shree Vishnu Tex' in the said property. Alleging violation and deviation, the 2nd respondent initiated proceedings against the 4th respondent and locked and sealed the premises on 26.11.2021. In view of the lock and seal put up by the 2nd respondent, the petitioner is unable to take all his machineries and equipments and due to the same, the machineries and equipments are getting damaged and cannot be put to use subsequently. Hence, the petitioner has given representation to the respondents 1 to 3 on 06.02.2023 for de-sealing the premises temporarily and permit him to remove all the machineries and equipments lying at the said premises. Since, the said representation was not considered, the petitioner has come out with the present Writ Petition.



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5.Considering the above submissions and the grievance of the petitioner that the machineries and equipments belonging to him is lying inside the premises of the 4th respondent, the 2nd respondent is directed to de-seal the premises for a period of four weeks to enable the petitioner to remove all the machineries and equipments within a period of one week from the date of receipt of a copy of this order and the 2nd respondent is further directed to re-seal the premises after the machineries and equipments are taken by the petitioner. The petitioner is also directed to inform the 2nd respondent if all the machineries are taken within four weeks. Mr.P.Gurunathan, learned Additional Government Pleader appearing for the 2nd respondent is directed to inform the 2nd respondent to permit the petitioner to take all the machineries and equipments lying inside the said premises.

6.With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
13.03.2023

krk

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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