



W.P(MD)No.6079 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6079 of 2015

Sundar Raj

... Petitioner

Vs.

- 1 The District Collector,
Kanyakumari District
At Nagercoil.
- 2.The Revenue Divisional Officer,
Kanyakumari District
At Nagercoil.
- 3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 4.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
- 5.Sri Sakthi Vinayakar Car and Van
Drivers Welfare Association,
Rep. by its President,
Roundana Opposite to Police Station,
Kanyakumari.



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6.The Executive Officer,
Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.

7.The President,
Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.

... Respondents

*(R6 & R7 are impleaded vide order dated
03.09.2015 in M.P.(MD)No.1 of 2015 in
W.P.(MD)No.6079 of 2015 by RPSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the
respondents 1 to 4 to consider petitioner representation dated 21.02.2015
and allow the petitioner to park his taxi at the government land at
Roundana Kanyakumari.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.N.Satheesh Kumar,
Addl. Govt. Pleader for R1 to R4& R6.
Mr.S.Balamurugan for R5.

ORDER

Heard the learned counsel on either side.



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2.The petitioner insists that he should be allowed to park his vehicle in the petition-mentioned site.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant the relief as prayed for. His case is that for the last several yeas, the petitioner has been parking his vehicle in the petition-mentioned site.

4.The relief as sought for cannot be granted. The learned Additional Government Pleader states that the local body has earmarked a certain extent of area in favour of the fifth respondent association so as enable its members to park their vehicles. The fifth respondent association is also remitting rent to the local body. The petitioner claims that he is also a member of the fifth respondent association. The learned counsel for the fifth respondent denies the said assertion. It appears to be an internal dispute between the petitioner on the one hand and the fifth respondent association on the other. This issue has to be resolved only



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before the jurisdictional Civil Court. If the petitioner wants to enforce his right as a member of the fifth respondent association, the remedy is elsewhere. The writ jurisdiction cannot be invoked for the said purpose.

5.Granted liberty to the petitioner to move the jurisdictional Civil Court, this writ petition is dismissed. No costs.

12.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1 The District Collector,
Kanayakumari District
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- 2.The Revenue Divisional Officer,
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At Nagercoil.
- 3.The Superintendent of Police,
Kanayakumari District,
Nagercoil.



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- 4.The Inspector of Police,
Kanayakumari Police Station,
Kanayakumari District.
- 5.The Executive Officer,
Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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