



W.P.No.16722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16722 of 2024

and

W.M.P.No.18370 of 2024

P.Nagendran

.... Petitioner

Vs

1.The District Collector,
Erode District.

2.The Commissioner,
Erode City Corporation,
Kalyanasundaranar Road,
Erode - 638 001.

3.The Assistant Commissioner,
Erode City Corporation,
Zone - III, Surampatti,
Erode - 638 009.

4.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Chennai-malai Road, Near ITI,
Erode - 638 009.

5.The Deputy Transport Commissioner,
Transport Police Station,
State Bank Road,
Erode.



W.P.No.16722 of 2024

6. The Inspector of Police,
South Police Station,
Surampatti,
Erode.

7. Raja

8. S.Thangaraj

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to remove the car repair work shop run by the 7th respondent in the residential area located in Marappa street No.1, Erode and give police protection by considering the petitioner representation dated 10.05.2024.

For Petitioner	: Mr.C.Ramaraj
For R1 & R5	: Mr.N.Naveen Kumar Government Advocate
For R2 & R3	: Mr.M.Rajamathivanan Standing Counsel
For R4	: Mrs.Shanmugavalli Sekar Standing Counsel
For R6	: Mr.R.Kishore Kumar Government Advocate (Crl.Side)
For R7 & R8	: Mr.J.Titus Knock

ORDER

This writ petition has been filed for a direction, directing the second respondent to remove the car repair workshop in the residential area located in Marappa Street No.1, Erode.



W.P.No.16722 of 2024

WEB COPY

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is residing at No.31, Marappa Street No.1, Backside Srinivasa Theater, Surampatti Road, Erode. On the very same street, the seventh respondent running a repair workshop at Door No.16-B where they carry out tinkering, painting and other mechanical works, often parking cars on the street. It has caused a nuisance to the neighbouring residents. The seventh respondent always making horn sound and caused nuisance pollution and serious injuries to human life. Further, the petitioner is also running a workshop without any permission or license from the second respondent.

4. The learned counsel appearing for the 7th and 8th respondents submitted that the 8th respondent is the owner of the premises in which the 7th respondent was a lessee. Subsequently, the 7th respondent vacated the premises of the 8th respondent and relocated his workshop to another building on the very same street.



W.P.No.16722 of 2024

5. A perusal of the counter filed by the 2nd and 3rd respondents and the submissions made by the learned Standing Counsel reveals that the 7th respondent is running an automobile workshop for four wheelers in the name and style of Sri Vinayak Auto Care at D.No.16-B, Marappa Street No.1, S.K.C.Road, Erode. After objections raised by the 8th respondent, the 7th respondent vacated the premises and shifted to Door No.5, Marappa Steet -1, S.K.C.Road, Erode, without obtaining any license or permission from the second respondent. It is located 200 meters away from the petitioner's house. Even then, the 7th respondent is parking the car in front of the petitioner's house during repair work. Under the Tamil Nadu Local Urban Bodies Act 1998, the 7th respondent ought to have obtained a license or permission from the second respondent.

6. A perusal of the counter filed by the 6th respondent and the submissions made by the learned Government Advocate (Crl.Side) reveals that the 7th respondent is running a workshop without license or permission from the second respondent. He also created nuisance in the locality by creating huge noise and other forms of pollution. That apart, he has obstructed the entire road by parking his vehicles for repair and also doing repair works in the middle of



W.P.No.16722 of 2024

the road, thereby creating hindrance of general public using the road. The accumulation of material waste by the 7th respondent, along with the crucial work being carried out, has also led to a fire accident, which poses a risk to the safety of the general public.

7. In view of the above, the second respondent is directed to take appropriate action as against the 7th respondent to close the workshop under the Tamil Nadu Urban Local Bodies Act for running the workshop without any permission or license. The second respondent is also directed to take appropriate action as against the seventh respondent for creating a nuisance and obstructing traffic, in the manner know to law, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

30.10.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp



W.P.No.16722 of 2024

To

1.The District Collector,
Erode District.

2.The Commissioner,
Erode City Corporation,
Kalyanasundaranar Road,
Erode - 638 001.

3.The Assistant Commissioner,
Erode City Corporation,
Zone - III, Surampatti,
Erode - 638 009.

4.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Chennai-malai Road, Near ITI,
Erode - 638 009.

5.The Deputy Transport Commissioner,
Transport Police Station,
State Bank Road,
Erode.

6.The Inspector of Police,
South Police Station,
Surampatti,
Erode.



WEB COPY



W.P.No.16722 of 2024

G.K.ILANTHIRAIYAN. J,

Lpp

W.P.No.16722 of 2024

30.10.2024