



W.P.No.27261 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27261 of 2021

Rajkumar

... Petitioner

Vs

The Coimbatore City Municipal Corporation,
Big Bazar Street, Town Hall,
Coimbatore – 641 001.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to remove the seal of the shop situated at Shop No. 14, Commercial Complex, Corner of East Thiruvankatasamy Road, Diwan Bahadur Road Junction, R.S.Puram, Coimbatore likewise allow the petitioner to carry out the business in the said premises.

For Petitioner : Ms. S.Abhinaya Sree,
for Mr. A.Parthasarathy

For Respondent : Mr. Najeeb usman Khan,
Standing Counsel

ORDER



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This Writ Petition has been filed for directing the respondent to remove the seal from the shop situated at Shop No. 14, Commercial Complex, Corner of East Thiruvengkatasamy Road and Diwan Bahadur Road Junction, R.S.Puram, Coimbatore.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. Originally, the shop situated at Shop No. 14, Commercial Complex, at the corner of East Thiruvengkatasamy Road and Diwan Bahadur Road Junction, R.S.Puram, Coimbatore, was allotted to the petitioner's father by the respondent. The petitioner's father conducted business in the said shop, selling mobile accessories and allied products. He died on 07.07.2009. Subsequently, the petitioner ran the shop in partnership with one Mohamed Ismail, as per their partnership deed.

4. While that being so, upon a complaint lodged by one of the



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petitioner's employees, the respondent verified and noted that the original allotment was granted in favour of the petitioner's father, and presently, the said shop is being run by the petitioner and Mohamed Ismail, his partner. Subsequently, the petitioner submitted an application for transfer of allotment in favour of either the petitioner or Mohamed Ismail. Meanwhile, the respondent locked and sealed Shop No. 14. Consequently, the petitioner now seeks permission to retrieve the electric goods kept inside the shop.

5. A perusal of the counter-affidavit filed by the respondent and submissions from the learned Standing Counsel, it is revealed that the petitioner's application for name transfer of allotment remains pending. Moreover, the original allotment in the petitioner's father's name was cancelled by Resolution No. 486 dated 26.10.2021, with the shop slated for auction. It is also noted that the petitioner filed O.S. No. 1169 of 2021 on the file of the III Additional Subordinate Court, Coimbatore, seeking an injunction against the respondent, which remains pending without an interim order.

6. In view of the above, the respondent is directed to permit the



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petitioner to retrieve all goods kept inside the shop. The petitioner is at liberty to participate in the fresh auction to be conducted by the respondent for Shop No. 14, Commercial Complex, situated at the corner of East Thiruvengkatasamy Road and Diwan Bahadur Road Junction, R.S.Puram, Coimbatore.

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

11.09.2024

Index: Yes/No
Neutral Citation/Yes/No
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To

The Coimbatore City Municipal Corporation,
Big Bazar Street, Town Hall,
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G.K.ILANTHIRAIYAN, J.

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