



W.P.No.27772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:19.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

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M/s Sakthi Agency,
Rep.by it sole Proprietor Mr.Ponnuvel(58/M)
No.378/6, Siruvachur Village,
Attur Taluk, Salem District. .. Petitioner

/versus/

State represented by the Inspector of Police,
Thalaivasal Police Station, Salem. .. Respondent

Writ Petition has been filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus to direct the respondent to provide adequate security for erection of canopy and smooth running of business.

For Petitioner :Mr.S.K.D.Rajasekar

For Respondent :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)

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ORDER

This Writ Petition is filed seeking Mandamus with a direction to the respondent to provide adequate security for erection of canopy and smooth running of business.

2. The petitioner herein claims that one Adhimoolam is creating trouble and interfering in his business and also preventing him from putting up canopy, which is essential to his business.

3. The learned counsel appearing for the petitioner submitted that inspite of three complaints given to the police, they have not acted upon on his complaint. The petitioner is a dealer of petrol and diesel at Nungambakkam High Road in the name and style of Sakthi Agency. The land in which the bunk is functioning belongs to one Kanagarani, W/o Adhimoolam. The petitioner has attempted to put up structure in the land leased out to him by Kangarani and they has been objected by her husband Adhimoolam.



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4. The learned counsel appearing for the petitioner submitted that as per the terms of the lease agreement the petitioner is entitled to put up construction like canopy. Therefore, he wants police protection.

5. This Court finds that any additional construction in the leased out property only be done by the landlord. If the landlord object and there is any clash for the tenant to put up additional construction, which is purely civil dispute, they have to workout their remedy before the civil Court. Without impleading the said Adhimoolam or the landlord, the present petition is filed as if the said Adhimoolam is the third party, who is trying to interfere with the petitioner's business for construction of canopy. This Court finds that for suppression of fact and for filing a petition with misleading fact, this Writ Petition is liable to be dismissed with costs. However, considering the other facts, this Writ Petition is dismissed as devoid of merits and vexatious. No costs.

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Index:yes/no

Neutral citation:yes/no



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To:

- 1.The Inspector of Police, Thalaivasal Police Station, Salem.
- 2.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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