



W.P.(MD) No.20055 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20055 2024

and

W.M.P.(MD)No.17012 of 2024

Karuppasamy @ Kani

...Petitioner

-vs-

Sankarankovil Municipality,
Represented by its Commissioner,
Sankarankovil,
Tenkasi District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.4163/2023/C1 dated 14.08.2024 passed by the respondent and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick
For Respondent : Mr.M.Rajarajan
Standing Counsel

ORDER

This writ petition has been filed challenging the proceedings in Na.Ka.No.4163/2023/C1 dated 14.08.2024 issued by the respondent and to quash the same as illegal.

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2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner contended that he is the owner of the subject property and he had let out the same to one Nagaraj, who commenced a two wheeler parking stand in that property. Hence, the petitioner along with the said Nagaraj had made an application seeking permission for running two wheeler stand in that premises and the same is still pending. In the meantime, the respondent by proceedings dated 14.08.2024, directed the petitioner to remove the two wheeler parking stand within a period of 24 hours.

4.The learned counsel for the petitioner submitted that without considering the application filed the petitioner seeking permission to run the two wheeler stand, the order impugned in this writ petition came to be passed. He further submitted that, in pursuant to the order impugned in this writ petition, the officials of the respondent had sealed the two wheeler parking stand today (i.e., 22.08.2024) morning and the two wheelers parked inside the premises have got trapped.



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5.He further submitted that now the petitioner is not willing to continue the two wheeler parking stand. Therefore, he submits that it would be sufficient if a direction is issued to the respondent to permit the petitioner to take back the two wheelers trapped inside the subject premises.

6.Admittedly, the petitioner himself is not willing to continue the cycle stand. Therefore, the authorities concerned are directed to permit the petitioner to remove the two wheelers parked inside the premises in their presence, on 27.08.2024 from 10.00 am to 5.00 pm.. The premises shall be re-sealed after that time period, even if the two wheelers are not removed by the petitioner.

7.At this juncture, the learned Standing Counsel for the respondent submitted that the petitioner is an influential person in that locality and earlier, when the petitioner was asked to vacate the premises, he assaulted the officials, by which some of the officials got injured. Hence, this Court directs that if any law and order issue is likely to be caused by



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the petitioner, the respondent is at liberty to seek for police protection from the jurisdictional police station. On such request is made, the concerned Inspector of Police is directed to give necessary police protection to the officials for sealing the premises.

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

22.08.2024

Index : Yes / No
Internet : Yes / No
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To

Sankarankovil Municipality,
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N.SATHISH KUMAR, J.

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