



WEB COPY

W.P.No.24648 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM:

THE HONOURABLE MRs. JUSTICE N.MALA

W.P.No.24648 of 2025

Rajkumar

.. petitioner

vs

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondent not to initiate any auction proceedings pertaining to the shop situated at Shop No.14, Commercial complex, corner of East Thiruvengkatasamy Road, Diwan Bahadur Road junction, RS puram, Coimbatore till the disposal of the suit proceedings in OS.No.1169 of 2021 pending on the file of the III Additional Subordinate Judge, Coimbatore.

For Petitioner : M/s.Abhinaya Shree
For Respondents : Mr.N.Velmurugan



ORDER

This writ petition is filed to direct the respondent not to initiate any auction proceedings pertaining to the shop at Shop No.14, Commercial complex, corner of East Thiruvankatasamy Road, Diwan Bahadur Road junction, RS puram, Coimbatore till the disposal of the suit proceedings in OS.No.1169 of 2021, pending on the file of the III Additional Subordinate Judge, Coimbatore.

2. The writ petitioner's father was allotted Shop.No.14 in a Commercial complex, Corner of East, Thiruvankatasamy Road, Diwan Bahadur Road Junction, RS Puram, Coimbatore. The petitioner and his father were running business at the aforesaid subject premises. The petitioner's father died on 07.07.2009, and thereafter the petitioner took over the business and entered into a partnership deed with the one Mohamed Ismail. An employee by name Rahuram was hired to look after the business, who later deceived the petitioner and his partner. Hence, he was terminated from employment for his malafide acts. In order to wreak vengeance the said Rahuram wrested the keys of the shop from the petitioner and so a criminal complaint was filed in CSR.No.198/2021 before the RS Puram Police station. The said Rahuram also filed several vexatious complaints to



the respondents for cancellation of the allotment in favour of the petitioner's father. While so, the respondent without any intimation to the petitioner, cancelled the allotment standing in the name of the petitioner's father and took over possession by sealing the shop premises. Aggrieved over the same, the petitioner filed a suit in OS.No.1169 of 2021, before the III Additional Sub Judge, Coimbatore for the relief of permanent injunction. The petitioner apprehending that the respondent pursuant to the illegal cancellation of allotment may auction the shop premises, hence, has filed the present writ petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record. With consent of both counsel, this writ petition is taken up for final disposal.

4. It is seen from the records that the petitioner has filed a suit in OS.No.1169 of 2021, on the file of III Additional Subordinate Judge, Coimbatore for the relief of permanent injunction restraining the respondents from cancelling the allotment and proceeding with reauction of the shop premises, pending adjudication of the suit. In as much as the petitioner has already initiated the civil suit for identical relief, the writ petition cannot be



entertained as permitting the petitioner to pursue two parallel proceedings for the very same relief would lead to multiplicity of litigation, which is legally impermissible. Hence, the writ petition is dismissed. Needless to say the petitioner can workout his remedies before the Civil Court, which he has already moved.

5. In the result, the writ petition stands dismissed. No costs.

08.07.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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To
The Coimbatore City Municipal Corporation
Big Bazaar Street, Town Hall
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N. MALA, J.

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