

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.8802 of 2015

E.Palani

.. Petitioner

v.

1.The State of Tamilnadu
rep by its Secretary to Government
Home Department
Secretariat, Chennai 600 009.

2.The Director General of Police
Kamarajar Salai, Mylapore
Chennai 600 004.

3.The Commissioner of Police
Officer of the Commissioner of Police
Chennai 600 007.

4.The Deputy Commissioner of Police
Officer of Deputy Commissioner of Police
East Coast Road
Chennai 600 001.

5.The Assistant Commissioner of Police
Officer of Assistant Commissioner of Police
H3, Police Station
Thiruvottiyur High Road
Old Washermenpet
Chennai 600 021.

6.The Inspector of Police, (Law and Order)
H4, Korukkupet Police Station
Old Washermenpet
Chennai 600 021.

7.Saravanan

8.P.D.Basker

9.B.Karthikeyan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 6th and 7th respondents not to enter and interfere with the affair of jurisdiction of civil courts proceedings/Rent Controller in the name of "Kattapachayathu".

For Petitioner : Mr.A.T.Jayaraman
For Respondents : Mr.R.Vijayakumar,
Additional Government pleader
[for R1 to R7]
For R8 and R9 : No Appearance

ORDER

Heard Mr.A.T.Jayaraman, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader accepting notice for the respondents 1 to 7.

2. The petitioner has filed this writ petition to issue appropriate direction to the respondents 6 and 7, the Inspector of Police, H4 Korukkupet Police Station and the Writer attached to the Police Station, not to interfere with the civil proceedings and the disputes between the petitioner and his landlord, namely the eighth respondent and his son the ninth respondent.

3. In order to ascertain the correct facts, the writ petition was passed over and the learned Additional Government Pleader was directed to get instructions on the matter and the Inspector of Police, H4, Korukkupet Police Station was directed to appear before this Court. Accordingly, the Inspector has appeared and placed all the relevant materials. From the materials placed before this Court, it is seen that the petitioner has lodged a complaint against the respondents 8 and 9 and the 9th respondent has lodged a complaint against the petitioner. Both the complaints have been acknowledged by the respondent police as 143/CSR/H4PS/2015 and 142/CSR/H4 PS/2015. From the receipt issued by the respondent police, which also contains the number of allegations made in the complaint, it is evidently clear that the dispute is between the petitioner and the respondents 8 and 9 and it concerns the landlord-tenant dispute. It appears that there was a wordy quarrel between the parties and each one of them has made certain allegations against other and the complaints were lodged.

4. It is further submitted by the learned Additional Government Pleader that both the parties, namely the petitioner and the respondents 8 and 9 have appeared for an enquiry on 18.03.2015 at 17.00 hrs and both the parties have agreed to agitate their respective claims before the competent forum and accordingly, the complaints which were received were directed to be closed. The petitioner's allegation is that the respondents 6 and 7 are exerting pressure on the petitioner to pay enhanced rent to the landlord.

5. In the light of the facts stated above, it is evidently clear that the dispute between the petitioner and the respondents 8 and 9 is purely a landlord-tenant dispute and the respondents 6 and 7 shall not interfere, unless and until there is a specific complaint of a cognizable offence having been committed. Admittedly, on a perusal of the gist of the complaint given by both the parties against each other, there is no allegation of any cognizable offence having been committed.

6. In such circumstances, the respondents 6 and 7 shall not interfere with the matter and shall allow the parties to go before appropriate forum and adjudicate their respective claim.

Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

1.The Secretary to Government
State of Tamilnadu
Home Department
Secretariat, Chennai 600 009.

2.The Director General of Police
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Chennai 600 004.

3.The Commissioner of Police
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H4, Korukkupet Police Station
Old Washermenpet, Chennai 600 021.

+ 1 cc to M/s. A. T. Jayaraman, Advocate SR.17394

+ 1 cc Government Pleader Sr.17617

RSK(CO)
EU 11.04.2015

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