

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.2751 of 2016

R.Jayaseelan

[PETITIONER]

Vs

1 The Executive Officer,
Kotagiri TownPanchayat,
Kotagiri, The Nilgiris.

2 The Superintendent of Police,
The Nilgiris.

3. K.Mathan

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondents to to consider and pass orders on merits in accordance with law by disposing the written representation made by the petitioner on 08.01.2016.

For Petitioner : Mr.P.Sivakumar

For Respondents : Mr.R.Lakshmi Narayanan
Addl. Govt. Pleader for R1&R2

O R D E R

Heard Mr.R.Sivakumar, learned Counsel appearing for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government Pleader accepting notice for the respondents 1 and 2 and with their consent the Writ Petition is taken up for final disposal.

2.This petition has been filed seeking for issuance of a writ of Mandamus, directing the respondents to consider the petitioner's written representation dated 08.01.2016, on merits and in accordance with law.

3.Admittedly, there is no document produced by the petitioner to establish that he is lawfully entitled to be in possession of the premises in question which is owned by

Kothagiri Town Panchayat. The petitioner claims that he has been paying the rent regularly. However, the copy of the receipt, dated 12.03.2015, produced in the typed set of papers shows that it has been issued in the name of one Shahul Hameed. During the course of argument, learned counsel for the petitioner admitted that the Shahul Hameed was the original lessee, however, his whereabouts were not known for several years. The grievance of the petitioner is against the third respondent, who is a private party.

4. In the light of the above facts, the writ of Mandamus as sought for by the petitioner cannot be granted. If the petitioner has got any grievance against the third respondent, it is open to him to approach the appropriate Civil Court and ventilate his grievance. Hence, this Court is not inclined to issue any direction as against the respondents 1 and 2.

5. The writ petition stands disposed of with the above observations. No costs.
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s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1 The Executive Officer,
Kotagiri Town Panchayat,
Kotagiri, The Nilgiris.

2 The Superintendent of Police,
The Nilgiris.

+ 1 cc to Mr. P. Sivakumar, Advocate SR 4840

+1 cc to Govt. Pleader SR 5025

scd(co)
prk4/2

W.P. No. 2751 of 2016

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