

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.22256 of 2017

and

W.M.P.Nos.23364 and 23365 of 2017

R.Chandrasekar

... Petitioner

Vs.

Annamalai University,
Rep. by its Registrar,
Annamalai Nagar,
Chidambaram - 608 002.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records of the impugned order made in Nilapirivu-1721/2013 dated 17.08.2017 issued by the respondent herein and quash the same and consequently direct the respondent not to disturb the commercial possession of the petitioner without following the mandatory procedure of law.

For Petitioner : Mr.M.R.Elavarasan

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus, to call for the records of the impugned order dated 17.08.2017 issued by the respondent and to quash the same and consequently direct the respondent not to disturb his commercial possession, without following the mandatory procedure of law.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. On a perusal of the impugned order dated 17.08.2017, it could be seen that the petitioner is in arrears of rent, electricity charges and water charges and that he agreed to pay a sum of Rs.5,00,000/- on or before 05.08.2017 and pay the balance amount on or before 15.08.2017. In the impugned order,

it has been stated that on 07.08.2017, the petitioner had paid a sum of Rs.4,53,000/- and not paid the balance amount as promised on or before 15.08.2017. Hence, the respondent has called upon the petitioner to pay the arrears of rent, electricity and water charges on or before 21.08.2017, failing which, they would evict him from the premises. Challenging this order, the petitioner has filed the writ petition.

4.The learned counsel appearing for the petitioner submitted that the petitioner is not liable to pay the rent, electricity and water charges, as stated in the impugned order and therefore the impugned order is liable to be set aside.

5. Since the contention raised by the learned counsel the petitioner is the matter for evidence, the same cannot be decided in the writ proceedings under Article 226 of the Constitution of India. The petitioner has to go before the Civil Court for establishing his claim.

6.In view of the same, the Writ Petition is dismissed. It is open to the petitioner to file a Civil Suit before the appropriate forum. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

Rg/ah

To

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram - 608 002.

+1cc to Mr.M.R.Elavarasan, Advocate Sr. 60173

W.P.No.22256 of 2017

AR (IV)
VR(24/8/2017)