



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.02.2017

Coram

THE HON'BLE MR.JUSTICE M.S.RAMESH

Writ Petition (MD)No.3506 of 2013

and

M.P.(MD)No.1 of 2013

WEB COPY

M.Babu

... Petitioner

Vs

1.State through

The Superintendent of Police,
Trichy.

2.State through

The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

3.Chellammal

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to direct the 2nd and 3rd respondents not to evict the petitioner from the Shop No.236D, based on the petitioner's representation dated 04.03.2013 and without due process of law.

For petitioner : Mr.G.Mariappan

For R1 & R2 : Mr.T.R.Janarthanan

Additional Government Pleader

For R3 : No Appearance

O R D E R

The writ petition has been filed for a Writ of Mandamus directing the first respondent to direct the second and third respondents not to evict the petitioner from the Shop No.236D, based on the petitioner's representation dated 04.03.2013.

2. The learned counsel for the petitioner submits that he has no instruction from the petitioner. Nevertheless, on a perusal of the prayer sought for in the writ petition, it is seen that the petitioner, who claims to be the tenant under the third respondent seeks for a direction to the first respondent forbearing the second and third respondents from evicting the petitioner from the Shop No.236D at Thuraiyur Town. The same prayer has also been made before the civil Court in O.S.No.4 of 2007 and the proceedings for deposit of rent is also pending before the Rent Controller, Thuraiyur, in R.C.O.P.No.2 of 2007. The petitioner has already invoked the civil and rent control proceedings before the appropriate forums and it would not be appropriate for him to seek for an injunction in the form of mandamus in this writ petition.



3. I do not find any useful purpose in keeping the writ petition pending. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(C)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Trichy.

2.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

+1 cc to M/R.G.MARIAPPAN, Advocate, SR.NO:10113
+1 cc to M/S.SPECIAL GOVERNMENT PLEADER, SR.NO:10078

AKV
SVA/BS/16.03.2017/2P/5C

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