

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.06.2018

CORAM

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

W.P.No.6073 of 2014

and

M.P.No.1 of 2014

Venkatrathinam

..Petitioner

vs

The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to dispose the petitioner's representation dated 24.06.2013 and thereby directing the respondent to remove the seal which was affixed on 09.10.2012 and handover the possession to the petitioner.

For Petitioner : M/s.S.Sathiya
for M/s.P.S.Kothandaraman

For Respondent : M/s.A.Srijayanthi, Spl GP for R1

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to dispose of the petitioner's representation dated 24.06.2013 and to direct the respondents to remove the seal which was affixed on 09.10.2012 and hand over the possession to the writ petitioner.

2.M/s.S.Sathya, learned counsel appearing on behalf of the writ petitioner, strenuously contended that the writ petitioner was in possession of the shop and he was regularly paying the rent. However, the Landlord along with her henchman came to the premises and threatened the writ petitioner and ask him to vacate the premises immediately. A Police complaint also was filed before the Chengam Police and a criminal case was registered in Crime No.336 of 2012 and the same is pending. The writ petitioner filed a Suit against the Landlord in O.S.No.199 of 2012 before the District Munsif Cum Judicial Magistrate, Chengam, for permanent injunction, not to evict the writ

petitioner without following the due process of law. The Suit also had been decreed in favour of the writ petitioner on 29.11.2013. However, the Landlord with the help of the respondent, initiated Section 145 proceedings under the Criminal Procedure Code and accordingly, the premises was sealed by the respondent. Under these circumstances, the writ petitioner is constrained to move the present writ petition for the relief to direct the respondent to consider the representation for the purpose of removing the seal.

3. Though the learned counsel for the petitioner is able to put forth the contentions of the writ petitioner in clear terms, this Court is of an opinion that the issues are in relation to the tenant and the Landlord under the Rent Control Act. The dispute prevails are between the Landlord and the tenant under the Rent Control Act. This apart, the writ petitioner had already filed a Civil Suit and a decree of permanent injunction had been granted in his favour. Thus, the petitioner has to initiate further action in this regard before the competent Civil Court of Law. Even in case, proceedings under Section 145 is initiated, it is left open to the writ petitioner to participate in the enquiry to be conducted by the competent authority under the provisions of law. Contrarily, these factual disputes cannot be decided by this Court in a writ petition under Article 226 of the Constitution of India. Basically, the dispute is between the tenant and the Landlord based on the lease agreement, which involves certain factual aspects, which all are to be adjudicated before the competent Civil Court and not in a writ proceedings before the High Court. Thus, it is left open to the respective parties to approach the appropriate Court of Law for the redressal of their grievances.

4. In this view of the matter, the relief as such sought for cannot be granted and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District.

+1cc to Government Pleader Sr.No.38688

+1cc to Mr.P.S.Kothandaraman, Advocate SR.No.38240

SAI (CO)
sm:28.6.2018

W.P.No.6073 of 2014



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