

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 20011 of 2018
and
W.M.P. 23430 of 2018

R.Karthick

... Petitioner

Vs

1. The Commissioner,
Arakkonam Municipality,
Arakkonam Town,
Arakkonam, Vellore Dt.

2. The Revenue Inspector,
Arakkonam Municipality,
Arakkonam Town,
Arakkonam, Vellore Dt.

3. M. Anandhan

4. B.Raviachandiran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 1st and 2nd respondents from unlawfully dispossessing the petitioner from the shop No.20 situated at new Bus stand, Arakkonam Town, Vellore District.

For Petitioner : Mr.B.Nambiselvan
For Respondents : Dr.S.S.Swaminathan,
Standing Counsel for R-1 & R-2
Mr.M.Venkatakrisnan,
for R3 & R4

O R D E R

This Writ Petition has been filed seeking for a direction directing the respondents 1 and 2 not to interfere with the petitioner's lawful possession in respect of shop No.20 situated at Arakkonam Municipality.

2. The case of the petitioner is that the above said shop was allotted to the petitioner's father through a public auction in the year 2002. Thereafter, since the petitioner's father became drunkard, the shop was taken over by his mother and brother and they are running the shop. Thereafter, in the year

2018, the petitioner's father is found missing and his whereabouts is not known. In the meanwhile, the respondents 3 and 4 are working in the above said shop trying to disturb the petitioner's possession and he has filed a suit before the Sub-Court, Arakkonam in O.S.No.76 of 2018 and the same is pending.

3. Thereafter, in the first week of June 2018, the 2nd respondent along with 3rd and 4th respondents broke open the shop, and a police complaint was lodged, the same is also pending. In the said circumstances, the present Writ Petition has been filed by the petitioner seeking for a direction to the respondents, who are all defendants in the above suit, not to interfere with his possession.

4. It is an admitted fact that the petitioner has already filed a suit against the respondents herein and the civil suit is pending. Now, for the similar relief, the petitioner cannot file the Writ Petition, he can only seek the remedy before the Civil Court.

5. In the result, the Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Commissioner,
Arakkonam Municipality,
Arakkonam Town,
Arakkonam, Vellore Dt.

2. The Revenue Inspector,
Arakkonam Municipality,
Arakkonam Town,
Arakkonam, Vellore Dt.

+1cc to Mr.B.Nambiselvan, Advocate, S.R.No. 66482

+1cc to Mr.M.Venkatakrishnan, Advocate, S.R.No. 66337

+1cc to Mr.S.S.Swaminathan, Advocate, S.R.No.66119

W.P. 20011 of 2018
and

W.M.P. 23430 of 2018

GJ(CO)

GN(26/09/2018)