

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.22446 of 2011

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the inaction of the respondents in vacating the premises belonging to the petitioner by paying arrears of rent, and to declare the proceedings of the 3rd respondent dated 28.09.2010, fixing the rent of subject premises only as Rs.9,116/- instead of Rs.21,000/-, as arbitrary and illegal.

This Court, in proceedings under Article 226 of the Constitution of India, would not, ordinarily, examine such disputes. The petitioner's remedy, to have the respondents evicted from the subject premises or to claim arrears of rent, is to file a Civil suit before the Civil Court of competent jurisdiction. Leaving it open to the petitioner to avail the remedy of filing a Civil Suit before the competent Civil Court, I see no reason to exercise discretion, under Article 226 of the Constitution of India, to entertain this Writ Petition. The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 13.04.2018

MRKR

