

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.03.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 22379 of 2017

A. Vrashabadass

...Petitioner

-Vs-

1. The Inspector of Police,
S-9, Palavanthangal Police Station,
Palavanthangal, Chennai.

2. R.Murali

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent not to interfere with the petitioner's peaceful possession and enjoyment of the tenancy premises "Murali Driving School" at J.K. Flats, No. 1,39th Street, Nanganallur, Chennai-600 061 without following due process of law by threatening the petitioner to close the premises and withdraw the pending suit without suitable orders from the competent court while civil suit is pending.

For Petitioner : M/s.T.Easwaradhas

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor - R1

No Appearance -R2

ORDER

The writ petition has been filed to direct the respondent not to interfere with the petitioner's peaceful possession and enjoyment of the tenancy premises "Murali Driving School" at J.K. Flats, No. 1,39th Street, Nanganallur, Chennai-600 061 without following due process of law by threatening the petitioner to close the premises and withdraw the pending suit without suitable orders from the competent court while civil suit is pending.

2. The case of the petitioner/tenant is that there is dispute the petitioner and his landlord/2nd respondent with regard to vacate the premises, where, the petitioner is running a driving school by investing heavy amount. It is also stated that there is no arrears of rent as on date. When the 2nd

respondent started attempting to dispossess the petitioner illegally without following due process and with ulterior motive by colluding with the 1st respondent/Police, the petitioner has filed a Civil Suit in O.S. No. 340/2007 for injunction and the same is pending. By knowing well the fact of pending civil suit, the 1st respondent giving torture to the petitioner on the influence of the 2nd respondent/land-lord.

3. Heard the learned counsel for the petitioner and the learned Addtional Public Prosecutor appearing for the 1st respondent. No appearance on behalf of the 2nd respondent. Perused the materials available on record.

4. In view of the facts and circumstances of the case and the submissions made by the counsel, this Court is of the view that the 1st respondent has no rights to interfere with the civil dispute between the petitioner and the 2nd respondent. If there is any complaint as against the petitioner and if cognizable offence is made by the petitioner, the first respondent can very well enquire with the complaint. Therefore, the 1st respondent is directed not to interfere with the peaceful possession and enjoyment of the disputed property of the petitioner.

With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
S-9, Palavanthangal Police Station,
Palavanthangal, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Easwaradhas, Advocate, S.R.No.27731

W.P.No.22379 of 2017

SV(CO)

RRS (08/05/2019)