



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD) No.12843 of 2019

R.Subbaiah Pandian

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.

3. S.M.Rafi Ahamed

4. Mohamed Izzadeen

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to provide adequate police protection and directing the second respondent to take action against the respondents 3 and 4 to return the petitioner's shop key from them, by considering the petitioner's representation dated 15.05.2019.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed seeking direction to the respondents 1 and 2 to provide adequate police protection to the petitioner and to take action against the respondents 3 and 4 to return the petitioner's shop key, by considering the petitioner's representation dated 15.05.2019.

2. The petitioner is the owner of the building in Door No.189/4, Kadayanallur Pettai, Kadhar Mohideen Pallivasal and the respondents 3 and 4 are his tenants. Earlier, the petitioner has cancelled the lease agreement and the respondents 3 and 4 are also agreed to vacate the premises. Despite the undertaking given by them, they failed to vacate the premises. In the above circumstances, the petitioner has made a representation dated 15.05.2019 to the second respondent to evict them from the premises. Thereafter, the present writ petition has been filed seeking adequate police protection to the petitioner and to take action against the respondents 3 and 4 and to take possession from



them.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2.

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4. Admittedly, the respondents 3 and 4 are the tenants under the petitioner. If at all the respondents 3 and 4 failed to vacate the premises, the remedy open to the petitioner is to approach the concerned Rent Controller and seek for eviction and the police has no role in the matter. That apart, today, the learned counsel for the petitioner submitted that based on the complaint given by the respondents 3 and 4, a crime was also registered against the petitioner.

5. In the above circumstances, the relief sought for by the petitioner cannot be granted. Hence, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.

Order made in
W.P. (MD) No.12843 of 2019
Dated: **06.06.2019**

kg (CO)

TR (18.06.2019) 2P 3C