



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.12.2019

WEB COPY

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD) No.26154 of 2019

S.Murugan

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

2.The Inspector of Police,
C-4 Thilagar Thidal Police Station,
Madurai.

3.S.Flower Sheela

4.R.Avudaiappan

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent to take action against the third and fourth respondents and to restore the possession to the petitioner vide representations dated 02.09.2019 and 10.10.2019.

For Petitioner : Mr.D.Senthil

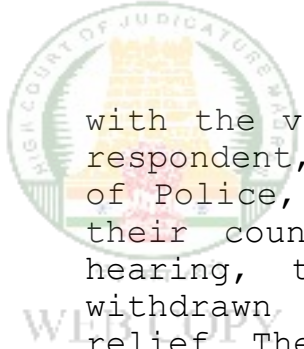
For Respondents : Mrs. S.Bharathi
1 & 2 Government Advocate(Crl.Side)

ORDER

This writ petition has been filed seeking direction to direct the first respondent to take action against the third and fourth respondents and to restore the possession to the petitioner vide representations dated 02.09.2019 and 10.10.2019.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2.

<https://hcservices.court.gov.in/hcservices/> matter is taken up for hearing today, the learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2 submitted that earlier, the petitioner had approached this Court



with the very same prayer in W.P.(MD).No.19478 of 2019. The fourth respondent, the house owner and the second respondent, the Inspector of Police, C-4, Thilagar Thidal Police Station, Madurai, had filed their counter in the earlier writ petition and at the time of hearing, the learned counsel appearing for the petitioner had withdrawn the earlier writ petition filed by him for the same relief. The petitioner has once again approached this Court.

4.The dispute essentially relates to the possession of a rental premises.

5.In the case of **Roshina.T Vs. Abdul Asser K.T and others** reported in **2019 (2) Supreme Court Cases 329**, the Honourable Apex Court has held that writ petition under Article 226 of the Constitution of India to grant relief of restoration of possession before the High Court is not maintainable. Hence, this writ petition is dismissed. The petitioner is at liberty to approach the appropriate civil Court. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai.

2.The Inspector of Police,
C-4 Thilagar Thidal Police Station,
Madurai.

+1 CC to M/s.D.SENTHIL, Advocate (SR-104353[F] dated 11/12/2019)

W.P. (MD) No.26154 of 2019
10.12.2019

vsg
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