

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.31017 of 2013

Bhaskar

.. Petitioner

Versus

1. The State of Tamil Nadu,
The Secretary to Government,
Department of Home,
Fort St.George,
Chennai 600 009.
2. The District Collector,
Vellore District, Vellore.
3. The District Superintendent of Police,
Vellore District, Vellore.
4. Rajendran
5. Giridharan ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 16.10.2013 and 05.11.2013 in accordance with law by restoring the possession of the petitioner shop "Amman-Cool Drinks" at 205/84-C, Anna Salai, Arcot Town, Vellore District.

For Petitioner : Mr.A.Ramesh
For Respondents : Mr.R.S.Selvam
1 to 3 Government Advocate

For Respondent-5 : Mr.D.Balaji

For Respondent-4 : Served-No Appearance

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to consider the representations of the petitioner dated 16.10.2013 and 05.11.2013 in accordance with law by restoring the possession of the petitioner shop "Amman-Cool Drinks" at 205/84-C, Anna Salai, Arcot Town, Vellore District.

2. According to the petitioner, he is running a shop in the name of "Amman Cool Drinks" in 205/84C, Anna Salai, Arcot for more than five years, which is owned by one Kirubakaran and the same was constructed by his son, Radhakrishnan. A lease agreement was entered into between the petitioner and the said Kirubakaran. It was renewed from time to time and the tenancy is still subsisting. There seems to be a civil dispute between the said Radhakrishnan and his brother. While so, on 11.09.2013, the fifth respondent and his men, forcibly entered into the premises and took all valuables worth about Rs.5 lakhs. Further, the petitioner obtained an order of interim injunction on 10.10.2013 in I.A.No.537 of 2013 in O.S.No.329 of 2013 against the fifth respondent on the file of the Sub-Court, Ranipet restraining him from interfering with his possession. Again on 12.10.2013, the fifth respondent has broken the lock of the shop and taken away the remaining belongings worth about one lakh with the help of the fourth respondent herein, inspite of the order of injunction. In this regard, the petitioner made several representations dated 16.09.2013, 23.09.2013, 16.10.2013 and 05.11.2013, however, the same were not considered till date. Hence, the petitioner is before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 to 3 and the learned counsel for the 5th respondent and perused the materials available on record.

4. Fourth respondent has filed a counter affidavit denying the averments made by the petitioner in the affidavit filed in support of the writ petition. The learned Government Advocate appearing for the respondents 1 to 3, has produced a copy of the agreement dated 07.02.2014 entered into between the petitioner and the fifth respondent herein. However, the said agreement was disputed by the petitioner.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the representations dated

16.10.2013 and 05.11.2013 and also the agreement alleged to have been executed by the petitioner dated 07.02.2014 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The State of Tamil Nadu,
The Secretary to Government,
Department of Home,
Fort St.George, Chennai 600 009.
2. The District Collector,
Vellore District, Vellore.
3. The District Superintendent of Police,
Vellore District, Vellore.

+1cc to the Government Pleader, S.R.No.20639

W.P. No.31017 of 2013

MP(CO)
nvi/26.05.2020