

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7790 of 2020
and WMP.No.10024 of 2020

C.Esakkimuthu,
S/o.Chellappa.

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

3.The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Chengalpattu Electricity Distribution Circle,
Sunguvanchathiram,
Kancheepuram District.

4.M.Mahendiran,
S/o.K.Mari.

5.S.Velu,
S/o.Subramani.

... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the 1st to 4th respondents herein to initiate proper legal action on the complaint made by the petitioner as against the 5th and 6th respondents thereby preventing the 5th and 6th respondents from initiating any illegal action for dispossessing the petitioner from the premises bearing Shop No.42, Thiruvalluvar Main Road, Sunguvachathiram, Sriperumpudur Taluk, Kancheepuram District, comprised in S.Nos.210/IA2, 210/8B and 210/1B, measuring total extent of 5014 Sq.fts, out of which 1744 Sq.fts., without due process of law.

For Petitioner : Mr.J.Selvarajan

For Respondents : Mr.E.Balamurugan for R1 and 3
Special Government Pleader.

Mr.Mohamed Riyaz for R2
Additional Public Prosecutor.

Mr.R.Vivekananthan for R6.

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents 1 to 4 to protect the possession of the petitioner, till the petitioner approaches the competent civil court and works out his remedy.

2.The learned counsel for the petitioner submitted that since the Courts are not functioning, the 5th and 6th respondents are attempting to interfere with the possession and therefore left with no other remedy, the present writ petition is filed before this Court seeking for appropriate direction.

3.In the considered view of this Court, this Court in exercise of its Article under 226 of the constitution of India, cannot enter into factual disputes. Only the civil court is competent to try such issues. The matter involves a civil dispute between the petitioner on the one hand and respondents 5 and 6 on the other. A writ petition can never be resorted as an interim measure till the filing of a regular civil suit. If such writ petitions are entertained, a wrong precedent will be set. This Court is not inclined to entertain this writ petition. Liberty is granted to the parties to agitate their grievance before the competent civil Court.

4.Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

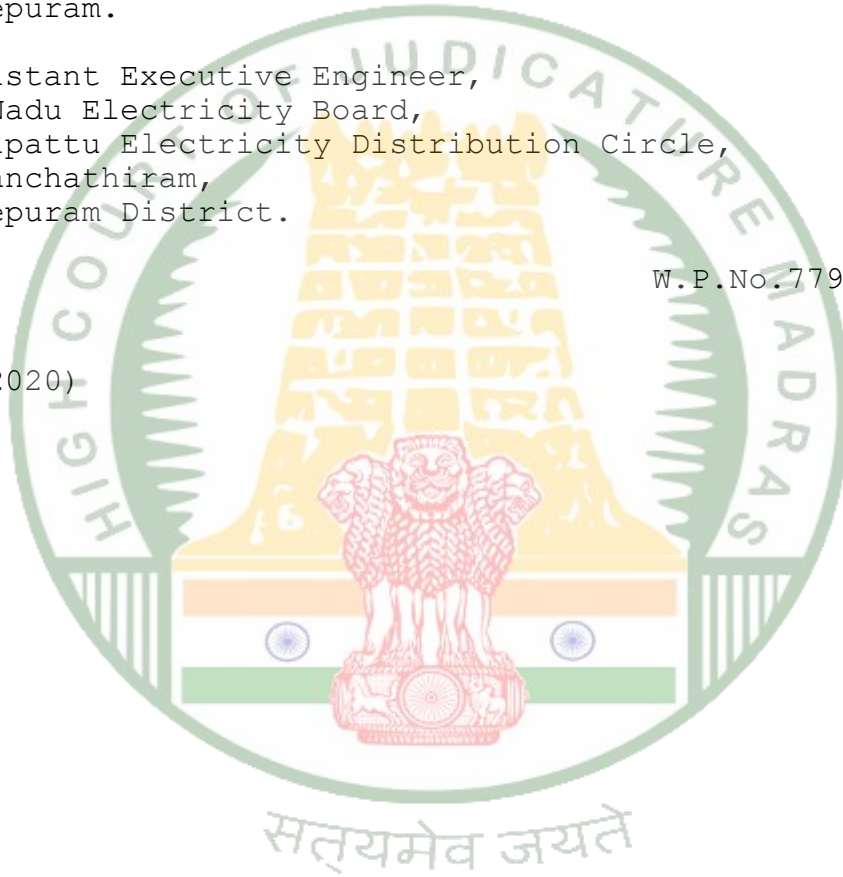
2.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

3.The Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.

4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Chengalpattu Electricity Distribution Circle,
Sunguvanchathiram,
Kancheepuram District.

W.P.No.7790 of 2020

KJ (CO)
CB (03/11/2020)



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