



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021
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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.15813 OF 2020
AND
W.M.P.NO.19657 OF 2020

Dr.Aslam Yosuff

... Petitioner

.Vs.

1. The Director of Medical and
Rural Health Services,
The Directorate of Medical and
Rural Health Services,
DMS Complex,
No.356-361, Anna Salai,
Chennai - 600 006.

2. The Revenue Divisional Officer,
North Chennai Division,
No.473, T.H.Road,
Tondiarpet,
Chennai - 600 081.

3. D.Sundarapandiyan
S/o.M.Devasenathipathi
No.10/19, Subramanian Street,
Purasaiwakkam,
Chennai - 600 007.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of CERTIORARIFIED MANDAMUS or any other Writ or order or direction in the nature of writ of Certiorari to call for the records pertaining to the impugned order in Procs.No.A2/1810/2019 dated 07.10.2020 order passed by the 2nd respondent and to quash the same.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.U.Bharanidharan
(for R1 & R2)

Mr.P.Sesubalan Raja (for R3)



O R D E R

This writ petition has been filed for issuance of Writ of CERTIORARI or any other Writ or order or direction in the nature of writ of Certiorari to call for the records pertaining to the impugned order in Procs.No.A2/1810/2019 dated 07.10.2020 order passed by the 2nd respondent and to quash the same.

2. The case of the petitioner is that the petitioner is a Doctor by profession and he is occupying the building in the property as tenant and he is said to be using it as a clinic from the year 1982 onwards and further the petitioner is promptly remitting monthly rents to the 3rd respondent landlord and there is no default arrears. While so, to dispose the petitioner from the premises, the 3rd respondent made a false complaint against him. In the backdrop, petitioner filed a suit in O.S.No.1538 of 2019 before the XIII Assistant City Civil Court, Chennai for permanent injunction restraining the 3rd respondent from interfering with his possession and the same is pending. On the other hand, the third respondent also filed a R.L.T.O.P.No.47 of 2019 before the Small Causes Court, Chennai under sections 21(2)(A) and (E) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 for eviction of the petitioner from the property on the ground that he is denying the title of the 3rd respondent to that property and refusing to come forward for entering into a fresh tenancy agreement enabling him to register the same with the authority concerned. While so, the 3rd respondent has made a representation dated 14.05.2019 to the 5th respondent not to issue or renew any licence for the clinic of the petitioner under the provisions of Tamil Nadu Public Buildings(Licensing) Act, 1965, since the said building is in dilapidated condition and functioning of the clinic would be determined to the innocent public coming to the above premises. However, the TNPBLA is the competent authority to take effective steps. Thereby the 3rd respondent filed a writ petition in W.P.No.11781 of 2019 and seeking a direction to the authorities concerned to consider the petitioner's representation dated 06.06.2019 and to restrain the petitioner from running clinic in the disputed property. However, this Court by its order dated 01.06.2020 issued a direction to the 5th respondent therein (TNPBLA Act). In compliance with the above said order, the 2nd respondent herein passed the impugned order. Challenging the same, the present writ petition is filed.

3. Mr.V.Raghavachari, learned Counsel appearing for the petitioner submits that though this Court issued a direction to



the 2nd respondent to follow section 15 of the Tamil Nadu Public Buildings (Licensing) Act, 1965 direction was issued that the petitioner shall not use the building as clinic. However, the said order would not entitle the 3rd respondent to dispossess the petitioner from the property until R.L.T.O.P.No.47 of 2019 is decided by the Small Causes Court. However, contrary to the above said direction, the 3rd respondent is taking steps to evict the petitioner from the property in order to deny the rights of the petitioner before the rent control Court. Hence, he submits that this Court should protect the interests of the petitioner by granting liberty to the petitioner to file an appeal under section 11 of TNPBLA Act.

4. Mr.P.Sesubalan, Learned Counsel appearing for the 3rd respondent submits that the petitioner will not be dispossessed till the R.L.T.O.P.No.47 of 2019 is decided by the Court below.

5. Recording the same, the writ petition is disposed of with a direction that the 3rd respondent shall not dispossess the petitioner till the outcome of R.L.T.O.P.No.47 of 2019. Further, this Court grants liberty to the petitioner to file an appropriate appeal before the competent authority under section 11 of TNPBLA Act.

6. With the above observations, the writ petition is disposed of and consequently connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Sma

To

1. The Director of Medical and
Rural Health Services,
The Directorate of Medical and
Rural Health Services,
DMS Complex,
No.356-361, Anna Salai,
Chennai - 600 006.



2. The Revenue Divisional Officer,
North Chennai Division,
No.473, T.H.Road,
Tondiarpet,
Chennai - 600 081.

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+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.60387
+1cc to Mr.P.Sesubalan Raja, Advocate, S.R.No.60216
+1cc to the Government Pleader, S.R.No.60677

W.P.NO.15813 OF 2020 AND
W.M.P.NO.19657 OF 2020

SJ(CO)
PBS/07/01/2022