



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.18885 of 2021

&

WMP.No.20154 of 2021

M.Sheeba.

... Petitioner

Versus

1. The Secretary to Government
Tamil Nadu Government,
Home Department
Fort St.George
Chennai - 600 009.
2. The District Collector,
Chennai District,
Chennai.
3. The Commissioner of Police,
Office of the Police Commissioner,
Chennai.
4. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Adyar, Chennai.
5. The Assistant Commissioner of Police,
Office of the Assitant Commissioner of Police,
Adyar, Chennai.
6. The Inspector of Police,
J-7, Police Station,
Velachery, Chennai.
7. Mr.Sekar. ... Respondents

PRAYER: This Writ Petition had been filed under article 226 of the constitution, to issue Writ of Mandamus, restraining the respondents from evicting the petitioner by way of registering false cases by interfering in a civil matter subject to the suit in O.S.No.3115 of 2021 on the file of the XI Assistant City



Civil Court, Chennai and direct the 4th to 6th respondents to provide protection to the petitioner life and possession of the property.

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For Petitioners :Mr.S.Kingston Jerold.

For Respondents :Mr.A.Damodharan,
Government Advocate (Crl.Side)
For R1 - R6.

ORDER

This Writ Petition had been filed to issue a Writ of Mandamus, restraining the respondents from evicting the petitioner from the possession of his property and to give protection to the petitioner.

2. The contention of the petitioner is that the petitioner is a tenant under one Mrs.Kala Sekar W/o Mr.Sekar and a tenancy agreement dated 29.09.2017 has been entered into between them. Though the tenancy agreement was for a period of 11 months, i.e. from 29.09.2017 to 30.08.2018, thereafter, mutually, tenancy agreement has been extended. It is not in dispute that the petitioner is tenant under the wife of the 7th respondent. The 7th respondent, who is a retired Director General of Police, Gujarat, having contacts and friends throughout India, using the same, had forced the Assistant Commissioner of Police to conduct an enquiry and forcibly obtained an undertaking on 08.07.2021 as if the petitioner shall vacate the premises by 31.10.2021.

3. The learned counsel for the petitioner would submit that the undertaking has been obtained in the police station by the landlady using force. The petitioner had earlier sent a representation in detail to various authorities including the Home Secretary on 03.07.2021 regarding the highhandedness of the 7th respondent, but no action has been taken. The premises was taken for rent for running working women's hostel and due to pandemic situation, most of the women, who are working in software and other fields, started to work from home. Hence, the business could not be carried out as before, which was explained to the land lady, who agreed to receive 50% of the rent i.e. Rs.50,000/-. When the agreement was in force, contrary to that, now she wanted to evict the petitioner forcibly. Hence, using her husband's contact in the police department, they had obtained the undertaking in the police station. He further submitted that the petitioner had already filed a civil suit before the XI Assistant City Civil Court, Chennai in O.S.No.3115 of 2021 for permanent injunction against the said Kala Sekar and the said civil suit has in flustered the land lady to take such action against the petitioner. The petitioner had produced the



representation, copy of the Civil suit, undertaking letter, which was obtained from the petitioner forcibly and copy of the rental agreement.

4. The learned Government Advocate (crl.side) appearing for respondents 1 to 6 submitted that on the complaint of one Kala Sekar, enquiry was conducted by the 5th respondent. The petitioner had appeared for enquiry and voluntarily gave the undertaking letter stating that she would vacate the premises. Though it is a landlord-tenant dispute, no force or coercion was exerted by the 5th respondent. The petitioner, who gave the undertaking voluntarily, had filed this petition seeking direction to restrict the 5th respondent from evicting the petitioner by filing false case.

5. This Court considered the submissions made on either side and perused the materials available on records carefully.

6. From the representation of the petitioner, it is seen that the landlady had threatened the petitioner stating that using police contact, cases could be foisted against her including a case of serious in nature. The apprehension of the petitioner is well founded and the under taking letter dated 08.07.2021 confirms the apprehension.

7. This court, on a perusal of the rental agreement, finds that civil suit has been filed in O.S.No.3115 of 2021 on the file of the XI Assistant City Civil Court, Chennai and the respondent police to desist from the interference into the dispute between the landlord and tenant, which is purely civil in nature. It is for the petitioner /tenant and the landlady to work out their remedy in the appropriate forum.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp/mdl
To

1. The Secretary to Government
Tamil Nadu Government,
Home Department,
Fort St.George, Chennai - 600 009.



2. The District Collector,
Chennai District,
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3. The Commissioner of Police,
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6. The Inspector of Police,
J-7, Police Station,
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+1cccto M/s.S.Kingston Jerold, Advocate Sr.46364

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srg 12/10/2021