



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17-09-2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.8767 of 2016

1.S.A.Zahir Hussain
2.Ramzan Beevi

.. Petitioners

vs.

1.The Chennai District Collector,
No.32, Rajaji Street,
Singaravellar Maligai,
Chennai - 600 001.

2.M/s.Kerala Road Transport,
Represented by its Manager Mr.Siraj,
No.42, Kuppu Mudali Street,
Triplicane,
Chennai - 600 005.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 28.01.2016 and consequently direct the first respondent to repay the deposited amount.

For Petitioners	: Ms.K.Annamma
For Respondent-1	: Mr.V.Nanmaran, Government Advocate.
For Respondent-2	: Not Ready in Notice.

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to consider the representation submitted by the petitioners on 28.01.2016 and consequently direct the first respondent to repay the deposited amount.

2. The petitioners have stated that they have purchased the subject property situate at No.5, Kuppu Mudali Street, Tiruvatteeswaranpet, Triplicane, Chennai-5, through an auction



purchase conducted by Tiruvatteeswaranpet Hindu Janopakara Nidhi Limited.

3. At the time of purchase of the said property, the second respondent-Transport Company was continuing as a Tenant in the building and they agreed to pay the rent to the petitioners. However, the erstwhile owner one Mrs.T.Devi resisted the second respondent to pay the rental amount to the petitioners. Thus, the second respondent approached the Small Causes Court, Chennai, by filing RCOP No.1585 of 2003 to deposit the rental amount.

4. The learned Government Advocate, appearing on behalf of the first respondent, made a submission that the rental amount had already been deposited before the Small Causes Court, Chennai.

5. In any event, the relief sought for in the present writ petition, cannot be considered as the same are relating to the dispute between the landlord and the tenant. Thus, the petitioners have to redress their grievances by approaching the Competent Court under the Rent Control Act.

6. In the present case, the second respondent had already filed RCOP before the Court of Small Causes, Chennai and the learned Government Advocate for the first respondent brought to the notice of this Court that the rental amount had already been deposited before the Small Causes Court, Chennai. Thus, the petitioners are at liberty to approach the appropriate Forum for the purpose of redressal of their grievances. Even for issuing a direction to consider the representation, the petitioners have to establish their right and the entertainability of the writ petition is also to be considered.

7. This being the factum, the relief as such sought for in the present writ petition, cannot be granted and the petitioners are at liberty to approach the appropriate Forum.

8. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Svn



To

The Chennai District Collector,
No.32, Rajaji Street,
Singaravellar Maligai,
Chennai - 600 001.

+1 cc to Government Pleader Sr.NO. 47837

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PL CO

A.SK(11.10.2021)