



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P. [MD]No.5881 of 2021

Palraj @ Balraj

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Inspector of Police,
Theppakulam Police Station,
Madurai.

4.Lakshmi Ammal

5.Kathir

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 04.02.2021 to take appropriate action and dispose the same on merits within the time fixed by this Court.

For Petitioner : Mr.R.Pandidurai

For Respondents 1to3 : Mr.R.Murugan

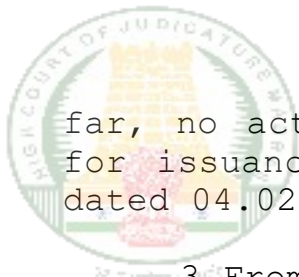
Additional Government Pleader

O R D E R

The petitioner claims himself to be a former President of 'Gandhiji Harijan Kootturavu Paal Urpathiyaalar Sangam'. According to him, he and his wife have been living as tenants under the fourth and fifth respondents who are the landlords. He appears to have some dispute with the landlords and according to him, the landlords have been harassing him and his family members by abusing them and also practicing various forms of untouchability.

2.The petitioner appears to have submitted a representation to the respondents 1 to 3 to take action against his landlords. But, so

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far, no action have been taken and hence, he is before this Court for issuance of a Writ of Mandamus to consider his representation dated 04.02.2021 and take action.

3. From the above factual narrative, it could be seen that the relationship between the petitioner and the respondents 4 and 5 is one of tenant and landlord and a private dispute has been brought within the ambit of public law remedy by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4. The allegation against his landlords that they are practicing untouchability for which a complaint was lodged before the third respondent and also the other allegations of harassment are all matters which involve factual investigation which cannot be a matter of adjudication before this Court in a writ jurisdiction.

5. Even otherwise, this Court is not inclined to grant any direction on the basis of the self serving averments of the petitioner to compel the official respondents to take action against his landlords. The proper course of remedy for the petitioner lies elsewhere and not before this Court. In the circumstances, this Court is of the view that the writ petition is not maintainable.

6. For the above said reason, this writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR

To

1. The District Collector, Madurai District, Madurai.

2. The Commissioner of Police, Madurai City, Madurai.

3. The Inspector of Police,
Theppakulam Police Station, Madurai.

+1 CC to Mr. Special Government Pleader, SR.No. 12147

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RM(05.05.2021) 2P 4C

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