



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.A. (MD) No.1197 of 2021

and

C.M.P(MD)Nos.5075 and 5076 of 2021

V.Sankar

.. Appellant/Writ Petitioner

Vs

1.The Estate Officer,
SBI, LHO,
Chennai.

2.The Branch Manager,
State Bank of India,
Arasaradi Branch,
Madurai.

3.K.Thakshinamoorthy

.. Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 31.03.2021, passed in W.P.(MD) No.7295 of 2021.

Prayer in WP(MD). 7295 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari or any other writ or order in the nature of Writ calling for the records of the 1st respondent in Eviction Petition No.4/2021, initiated of the 1st respondent under the provisions of Public Premises (Eviction of Unauthorised occupants 0 Act 1971 in respect of the property comprised in Plot No.14, 1st Floor (Guruvasam) , Jawahar 2nd Street , S.S.Colony , madurai wherein the petitioners lawful possession as a statutory tenant, quash / strike off the same as the same is in excess of jurisdiction , arbitrary , ultravires.

For Appellant : Mr.R.G.Shankar Ganesh

For 2nd Respondent : Mr.M.Karunanithi

JUDGMENT

[Judgment of the Court was delivered by

The Hon'ble Chief Justice]

The appellant claims to be a long-term tenant under the third respondent herein. The grievance of the appellant in the writ petition filed in this Court was that the second respondent was proceeding against the appellant under the Public Premises (Eviction



of Unauthorised Occupants) Act, 1971, despite the appellant having no relationship qua the relevant property with the second respondent.

2.The appellant seeks to rely on a judgment of the Supreme Court reported at (2014) 4 SCC 657 (*Suhas H.Pophale v. Oriental Insurance Company Ltd.*).

3.Ordinarily, the Writ Courts refrain from entertaining petitions which are filed at the initial stage of any quasi-judicial or even adjudicatory proceedings. This self-restraint is exercised because it is open to the writ petitioner to point out any anomaly or legal infraction in course of the proceedings initiated against the writ petitioner and the Writ Court frown upon the writ petitioner jumping the gun. There are, however, notable exceptions to the rule as to self-restraint. In matters where there is complete breach of the principles of natural justice or there is total lack of jurisdiction or the order cries out the lack of application of mind involved therein, the Writ Court entertains the plea.

4.This grievance by the appellant herein does not fall within the exalted category of cases to excite the Court to take up the matter without leaving the appellant free to urge whatever grounds are available to him before the Estate Officer. In any event, the final order passed by the Estate Officer is amenable to appeal.

5.For the reasons aforesaid, the judgment and order impugned dated March 31, 2021 cannot be interfered with and the appellant is left free to urge whatever grounds may be available to him, including citing the aforesaid Supreme Court judgment before the Estate Officer.

6.W.A.[MD]No.1197 of 2021 is disposed of. Consequently, C.M.P [MD]Nos.5075 and 5076 of 2021 are closed.

7.There shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct*

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copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate
(SR-20360[F] dated 28/06/2021)

W.A. (MD) No.1197 of 2021
24.06.2021

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