



W.P.No.25814 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25814 of 2022
and
W.M.P.Nos.24875 & 24876 of 2022

1.Siddiq
2.Safiyulla
3.Zafarulla

... Petitioners

Vs.

1.The District Collector,
Thiruppur District,
Thiruppur.

2.The Revenue Divisional Officer,
Dharapuram,
Thiruppur District.

3.The Revenue Inspector,
Dharapuram Sub Division,
Dharapuram, Thiruppur District.

4.The Village Administrative Officer,
Dharapuram Southm
Dharapuram,
Thiruppur District.

5.Sameera Begum

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,

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praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order dated 13.09.2022 passed in proceedings No.Na.Ka.4868/2022/E on the file of the second respondent and quash the same consequently direct the respondents not to evict us except under due process of law.

For Petitioners : Mr.V.Regunathan

For Respondents 1 to 4 : Mr.T.K.Saravanan,
Government Advocate

ORDER

This writ petition has been filed seeking for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order dated 13.09.2022 passed in proceedings No.Na.Ka.4868/2022/E on the file of the second respondent and quash the same consequently direct the respondents not to evict us except under due process of law.

2. It is the case of the petitioners that the petitioners' father viz., A.Mohamad Hussain had entered into a lease agreement in the year 2001 in respect of the subject property for a sum of Rs.75,000/- with the 5th respondent husband/lessor namely Habibulla, for a period of two years. After



paying the said lease amount, the petitioners' father/lessee had started a meat business in the subject property and after his demise, the petitioners being the legal heirs of the lessee carrying out the said business. It is the further case of the petitioners that subsequent to the death of the husband of the 5th respondent, request the petitioners hand over possession of the premises, the 5th respondent has given a complaint as if the petitioners had demanded Rs.3,00,000/- for vacating and handing over possession of the premises and on that allegation, the 5th respondent has made a complaint to the 2nd respondent/Revenue Divisional Officer which has resulted in the order of eviction being passed on 13.09.2022 and also considering the dispute, the subject premises was sealed. Challenging the said order, the present petition has been filed.

3. This court by its order dated 11.10.2022, directed the second respondent to remove the lock and seal of the subject premises and hand over possession of the premises to the 5th respondent/wife of the lessor after receipt of Rs.75,000/- and return the same to the petitioners. For Reporting Compliance, this case is listed before this Court today.



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4. Learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the direction of this Court dated 11.10.2022 has been complied with and the Compliance Report has also been filed.

5. Learned counsel for the petitioners submitted that as against the order of this Court dated 11.10.2022, the petitioners have preferred an appeal before the Division Bench of this Court.

6. Considering the facts and circumstances of the case, this Court directs the Registry to circulate the entire records including the undertaken affidavit dated 05.10.2022 filed by the petitioner in this writ petition for the perusal of the Hon'ble Division Bench of this Court.

7. In view of the above, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

26.10.2022 (vm)



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Index : Yes/No
Speaking Order : Yes/No

To:

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Dharapuram, Thiruppur District.
- 4.The Village Administrative Officer,
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M.DHANDAPANI,J.

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