



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16946 of 2022 and
W.M.P.(MD)No.12344 of 2022

D.Karthikeyan

... Petitioner

Vs.

1. The Joint Director,
Rural & Medical Health Service,
X43H+78X, Viswanathapuram,
Madurai – 625 014.
2. The Revenue Divisional Officer,
Thirumangalam Taluk, Madurai District.
3. The Tahsildar,
Thiruparankundram Taluk,
Thiru Nagar, Madurai – 625 006.
4. R.Uma Maheswari

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the third respondent in Na.Ka. No.4109/2021/A1 dated 05.01.2022 with consequential proceedings pending before the second respondent and quash the same as arbitrary, illegal and violates the constitutional right of the petitioner to property, consequently directing the official respondents to permit the petitioner to take absolute possession of the property without and further hindrance.



For Petitioner : Mr.R.Aravindan

For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 3.

2. Considering the nature of relief to be granted, issuance of notice to the fourth respondent is dispensed with.

3. The petitioner is the owner of the petition mentioned premises. He had leased out the same in favour of the fourth respondent for running an educational institution. It appears that it was used for hostel purposes. The fourth respondent appears to have run an educational institution in the premises. It was run without any authority of law. He had not obtained license from the competent authorities. The



fourth respondent had run the institution in the name and style of UVS Electropathy Medical College and Hospital. The second respondent therefore rightly locked and sealed the premises. The second respondent cannot be faulted for having done so. But at the same time, the writ petitioner who is the landlord cannot be put to prejudice indefinitely.

4. The second respondent is therefore directed to issue notice to the fourth respondent as well as the writ petitioner. On the notified date, if the fourth respondent gives her no objection, then the lock and seal will be removed by the second respondent and the premises will be handed over to the writ petitioner. If the fourth respondent refuses to co-operate, the petitioner's only remedy is to seek her eviction through due process of law. Such eviction proceedings can be initiated or continued and the impugned lock and seal proceedings will have to abide by the outcome of the said proceedings. If the petitioner is successful in getting no objection from the fourth respondent, the second respondent shall remove the lock and seal and hand over the premises to the writ petitioner without any delay.



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5. This writ petition stands disposed of on these terms. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

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Rural & Medical Health Service,
X43H+78X, Viswanathapuram,
Madurai – 625 014.
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5

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G.R.SWAMINATHAN,J.

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