



W.P.No.14119 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14119 of 2023

R.Sengathir Selvan

... Petitioner

Vs.

1. The District Collector,
Perambalur,
Perambalur District.
2. District superintendent of Police,
Perambalur,
Perambalur District.
3. Inspector of Police,
Town Police Station,
Perambalur,
Perambalur District.
4. H.Pappy
5. Imbran

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to dispose the petitioner representation dated 02/11/2022 for evicting the 4th and 5th respondent herein from the petitioner premises located at Flat No.22, Door No.255DA/5.7G5, 255/5.7G6, 6th Ward, Mullai Nagar,



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Mettu Street, Perambalur herein, and direct to conduct the proper enquiry on my representation dated 02/11/2022, within the period as stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Vidhusan
For Respondents :
(for R1 to R.3) : Mr.S.Ravichandran, AGP

ORDER

The relief sought in the present writ petition is to direct the first respondent to dispose of the petitioner's representation dated 02.11.2022, for evicting the respondents 4 and 5 from the subject premises, located at Flat No.22, Door No.255DA/5.7G5, 255/5.7G6, 6th Ward, Mullai Nagar, Mettu Street, Perambalur.

2.It is not in dispute that the petitioner purchased the property from the 4th respondent, who is a Government Employee. The learned counsel for the petitioner states that the 4th respondent is working as Headmaster and committed certain fraudulent activities.

3.However, the property dispute between the petitioner and the 4th respondent cannot be resolved in a writ proceeding under Article 226 of the Constitution of India. High Court cannot issue any order of eviction since



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the disputed issues are to be adjudicated with reference to the documents and evidence. If at all, the 4th respondent has committed any fraudulent activity as per the allegations raised by the petitioner, he has to approach the competent disciplinary authority for the purpose of initiation of appropriate proceedings under the Government Service Rules.

4.The learned counsel for the petitioner further states that a criminal complaint has also been registered and actions are in progress.

5.This being the factum, the petitioner is at liberty to pursue his remedy in the manner known to law and in the event of filing any such complaint or otherwise, the competent authorities would have to conduct an inquiry and initiate all appropriate actions.

6.With these observations, the writ petition stands **disposed of**.
However, there shall be no order as to costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

01.06.2023



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S.M.SUBRAMANIAM. J.,

(sha)

To

1. The District Collector,
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