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W.P.No.16846 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.16846 of 2022

and

W.M.P.No.9375 of 2023

M.I.Mohamed Ilyas

... Petitioner

Vs.

- 1.The Deputy Commissioner of Police,
Kilpauk, Chennai – 600 010.
- 2.The Assistant Commissioner of Police,
Ayanavaram Range,
ICF Police Station, ICF,
Chennai – 600 049.
- 3.The Inspector of Police,
K-2 Ayanavaram Police Station,
Ayanavaram, Chennai – 600 023.
- 4.The Revenue Divisional Officer,
Revenue Divisional office,
Padikuppam, Anna Nagar Extension,
Chennai.
- 5.The Tahsildar,
Tahsildar,
No.18/31, Palliyarasan Street,
Asperen Garden Colony,



W.P.No.16846 of 2022

Kumaran Nagar, Kilpauk,
Chennai – 600 023.

6.B.Sasikala
7.Lisi Sunil

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 to enquire the 6th and 7th respondents to identify the true legal heirs of late Immanuvel and family and handed over all the belongings of Immanuvel including car and bike available in the tenanted portion for the legal heir by making payment of the monthly rent from 16.09.2020 to till the date of vacating the rented portion let out to Late. Immanuvel.

For Petitioner : Dr.R.Sampath Kumar
for M.Muthukrishnan
For Respondents : Mr.K.M.D.Muhilan
Special Government Pleader [R1 to R3]
Mr.N.A.Nissar Ahmed [R6]
Mr.J.Mahalingam [R7]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 5 to enquire the respondents 6 and 7 to identify the true legal heirs of late Immanuvel and family and hand over all the belongings of Immanuvel including car and bike available in the tenanted portion for the legal heir by making payment of the monthly rent



W.P.No.16846 of 2022

from 16.09.2020 to till the date of vacating the rented portion let out to

Late. Immanuvel.

2. The case of the petitioner is that the petitioner is the owner of the property situated at Door No.2, Police Manickam Street, Ayanavaram, Chennai – 600 023 and the said property is having residential building with ground plus two floors. The petitioner is living in the first floor and the ground floor and second floor was given on rent. Under such circumstances, one Immanuvel and the petitioner entered into a rental agreement on 16.09.2020 and the monthly rent was fixed at Rs.23,000/- and he paid the advance amount to the tune of Rs.2,30,000/-. The petitioner handed over the ground floor portion to the said Immanuvel for his occupation on the same day. Unfortunately, Immanuvel met with a road accident and the Immanuvel and his parents died on the spot. Knowing the same, some of his relatives had come and intimated the petitioner about the sudden demise of Immanuvel and his parents, particularly, one Sasikala and Lisi Sunil, respondents 6 and 7 herein and some other had approached the petitioner and demanded to open the tenanted portion of late Immanuvel. However, the petitioner had



W.P.No.16846 of 2022

WEB COPY

not open the tenanted portion, since no one has shown the authenticity of their relationship with the deceased. Under such circumstances, the petitioner's son given a complaint before the third respondent, in which, C.S.R.No.340 of 2020 was issued and conducted the enquiry. Subsequently, there was a dispute between the respondents 6 and 7 with regard to right over the belongings of the deceased Immanuvel. Hence, the petitioner has filed the present writ petition before this Court for appropriate directions.

3. The learned counsel for the petitioner would submit that, since the respondents 6 and 7 claiming right over the properties, which was owned by the deceased Immanuvel, this Court may issue a direction to the respondents 6 and 7 to find a common place to store the entire belongings of the deceased Immanuvel till the dispute is resolved in between them. Further, he submits that this Court may also issue a direction to the respondents 6 and 7 to pay the arrears of rent to the petitioner.



W.P.No.16846 of 2022

WEB COPY

4. The learned counsels appearing for the respondents 6 and 7 have fairly submitted that the respondents 6 and 7 will find a suitable place to store the belongings of the deceased, which was now stored in the petitioner's rental portion and this Court may issue a direction to the jurisdictional Tahsildar to seal the entire premises with the belongings of the deceased and possess the key till the respondents 6 and 7 resolve their issue and thereafter, he may hand over the same to the person, who is entitled for the belongings of Immanuvel.

5. In view of the consent expressed by the learned counsel for the petitioner and the learned counsels appearing for the respondents 6 and 7, this Court, directs the respondents 6 and 7 to find out a common place within a period of two weeks from the date of receipt of a copy of this order, thereafter, the Tahsildar, Ayanavaram, is directed to shift the entire belongings of the deceased Immanuvel to the place identified by the respondents 6 and 7 and seal the premises and possess the key till the dispute is resolved in between the respondents 6 and 7 and other eligible persons. Further, the respondents 6 and 7 is directed to pay the arrears of rent payable to the petitioner within a period of two weeks from the date



W.P.No.16846 of 2022

of receipt of a copy of this order.

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6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

03.04.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



W.P.No.16846 of 2022

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W.P.No.16846 of 2022

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