



WEB COPY



W.P.No.18065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18065 of 2023

M.Eswaramoorthy

. . . Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Officer,
Coimbatore North,
Coimbatore District.

2. G.Rathina Saranya

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ or order, direction, particularly in the nature of Writ of Mandamus directing the 1st respondent to dispose the petitioner's petition dated 26.08.2021 within the time limit fixed by this Court.

For petitioner : M/s.B.Gopalakrishnan

For Respondents : Mr.P.Sathish,
Additional Government Pleader for R1



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ORDER

This Writ Petition has been filed for a direction to the 1st respondent to dispose of the petitioner's representation dated 26.08.2021 within the time frame that may be stipulated by this Court.

2. Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the 1st respondent.

3. According to the petitioner, he is owner of the property in D.Nos.584, 585 & 586, NSR Road, Saibaba Mission Post, Coimbatore. In the year 2011, the said property was rented out to the 2nd respondent vide rental agreement dated 12.08.2011 for commercial purpose. It is the case of the petitioner that the 2nd respondent has defaulted in paying the monthly rent. Despite the arrears of rent, on the false promise made by the 2nd respondent, the rental agreement was renewed by the petitioner. Even after the renewal of the rental agreement, since, the 2nd respondent did not settle the arrears of rent, the petitioner, made a representation dated 26.08.2021 to the 1st respondent requesting to recover the arrear amount from the 2nd



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respondent and for eviction of the 2nd respondent from the above said premises. Since, the said representation did not yield any response, the petitioner has come up with this Writ Petition.

4. Though very many grounds have been raised, however, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st Respondent to consider the representation dated 26.08.2021 seeking recovery of arrears of rent and the eviction of the 2nd respondent from the petitioner's premises and pass orders on merits within the time that may be stipulated by this Court.

5. On the above contention, this Court, heard the learned Additional Government Pleader appearing on behalf of the 1st respondent.

6. Admittedly, there is a tenancy dispute between the petitioner and the 2nd respondent, the same cannot be decided by this Court under Article 226 of the Constitution. The proper course open for the petitioner is to approach the competent civil court. Instead of which, filing Writ Petition



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before this Court is not sustainable and therefore, the prayer sought for in this Writ Petition cannot be granted.

7. Accordingly, this Writ Petition stands dismissed granting liberty to the petitioner to work out his remedy in the manner known to law. There shall be no order as to costs.

20.06.2023

Index : Yes / No
Internet : Yes / No

NHS

To

The Revenue Divisional Officer,
Revenue Divisional Officer,
Coimbatore North,
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