



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM :

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

W.P. No.24163 of 2024 and W.M.P. No.26414 of 2024

M. Ramadoss

Petitioner

vs.

1 The Superintendent of Police
Villianur
Puducherry – 605 110

2 The Inspector of Police
Villianur Police Station
Villianur
Puducherry – 605 110

3 T. Sundaramurthi
Special Officer
Sedar Madam
No.8/1, Sengundar Street
Kannuvappet
Villianur
Puducherry 605 110

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the impugned order dated 22.05.2024 passed by the second respondent and quash the same and consequently, direct the respondents 1 and 2 to provide adequate police protection to the petitioner for carrying out maintenance and regular replacement of thatched roof for the rented brick stone building to the extent of 506 sq. ft. situated at R.S. No.189/29(N) in Door No.14, Perumal Koil Street, Villianur, Puducherry.



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W.P. No.24163 of 2024



For petitioner
For respondents

Mr. T. Sundaravadanam
Mr. K.S. Mohan Dass
Public Prosecutor (Pondy)
assisted by
Mrs. N. Dhanalatchumi

ORDER

This writ petition is filed challenging the order dated 22.05.2024 passed by the second respondent on an enquiry conducted pursuant to the direction issued by this Court in the order dated 27.03.2024 passed in W.P. No.8154 of 2024.

2. The petitioner's grievance is that the third respondent, who is the Special Officer of Sedar Madam, is trying to disturb his peaceful possession in respect of the premises situated at Door No.14, Perumal Koil Street, Villianur, Puducherry.

3. Admittedly, the petitioner is a tenant under the third respondent Madam. According to him, his attempt to replace the damaged thatched roof structure has been thwarted by the land owner, viz., the Madam. It is his further case that by virtue of the Civil Court decree, he has been in possession of the property by paying rent through Court. Hence, the order of the second respondent is sought to be challenged in this writ petition besides seeking police protection.

<https://www.mhc.tn.gov.in/judis>4. A perusal of the impugned order dated 22.05.2024 clearly



reveals that the issue involved is a landlord-tenant dispute. The petitioner's attempt to alter the physical feature of the building has been prevented by the landlord. Therefore, the Station House Officer who has enquired into the matter, had recorded the fact that there is a Civil Court decree in favour of the tenant and the disputed land belongs to the third respondent Madam and it is under the control of the Puducherry Hindu Religious Endowment Department and Wakf Board.

5. Be it noted, police protection cannot be granted for altering the physical feature of the building without a direction from the Court.

6. The learned counsel for the petitioner, inviting this Court's attention to the impugned order, submitted that being in lawful possession of the property, the petitioner must be permitted to replace the roof for which police protection is required.

7. The learned Public Prosecutor (Puducherry) submitted that the petitioner who is in occupation of the property owned by the third respondent Madam and controlled by the Puducherry Hindu Religious Endowment Department and Wakf Board, is facing eviction proceedings.

Pursuant to the direction issued in W.P. No.8154 of 2024, an enquiry was



conducted for which the petitioner did not turn up. Documents produced by the petitioner would show that he has obtained order from the Civil Court for deposit of rent which will not confer any right on him to alter the physical feature of the premises.

8. This Court, on perusal of the records, finds that writ jurisdiction cannot be invoked for the relief sought by the petitioner. Being a landlord-tenant dispute, the parties will have to work out their remedy before the appropriate forum.

In the result, this writ petition stands dismissed, however, sans costs. Connected W.M.P. stands closed.

21.08.2024

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DR. G. JAYACHANDRAN, J.

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