



W.P.No.28795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28795 of 2024

Mr.D.Charles Martin

... Petitioner

versus

1.Inspector of Police,
T-15, Kannagi Nagar Police Station,
Kannagi Nagar, Thoraipakkam, Chennai - 600 097.

2.The Deputy Commissioner of Police,
Pallikaranai, Kelambakkam to Vandallur Road,
Melakkotaiyur, Kandigai, Tamil Nadu - 600 127.

3.Mr.M.Bhaskaran

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent and the second respondent to ensure that the possession of the shops in question is handed over to the petitioner by the third respondent and to investigate the petitioner's allegation against the third respondent.

For Petitioner : Mr.S.Kathiravan

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner has filed this writ petition for issuance of writ of mandamus directing the first and second respondents to ensure that the possession of the



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shop in question is handed over to the petitioner by the third respondent and to investigate the petitioner's allegations against the third respondent.

2. The petitioner has been a tenant since 2002, operating a business in a shop owned by the third respondent. On 22.08.2024, the third respondent locked the shop with police assistance and filed a criminal trespass complaint. Despite the petitioner's attempts to resolve the issue, the police did not accept his counter-complaint. The third respondent is now carrying out alterations to the shop, prompting the petitioner to seek legal action to regain possession.

3. However, since the dispute pertains to landlord-tenant relations, which involves matters of possession, it is primarily a civil dispute and not a matter that falls under the purview of a writ petition. Issues relating to tenancy agreements, arrears of rent, and possession are generally adjudicated by civil courts, and the writ jurisdiction is not the appropriate forum for resolving such disputes. Therefore, the writ petition is not maintainable. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to pursue his remedy in the manner known to law.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

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To

1. Inspector of Police,
T-15, Kannagi Nagar Police Station,
Kannagi Nagar,
Thoraipakkam, Chennai - 600 097.
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Pallikaranai, Kelambakkam to Vandallur Road,
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P.VELMURUGAN, J.

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