



W.P.No.3697 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Writ Petition No.3697 of 2024  
and W.M.P.No.3999 of 2024

B.Shameer

... Petitioner

Vs.

1. The State  
Rep. by the Inspector of Police,  
T-2, Chrompet Police Station,  
Chrompet, Chennai - 47.

2. K.Babu

3. D.Vanitha

... Respondents

**PRAYER:** The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in impugned notice issued under Section 41(A) and Section 90 Cr.P.C. dated 09.02.2024 and quash the same, consequently direct the second respondent to hand over the key of the premises "New Grand Hotel" at No.310, GST Road, Chrompet, Chennai - 47 to the petitioner.



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For Petitioner : Mr.P.Sidharthan

For Respondent : Mr.A.Gopinath  
No.1 Government Advocate (Crl.Side)

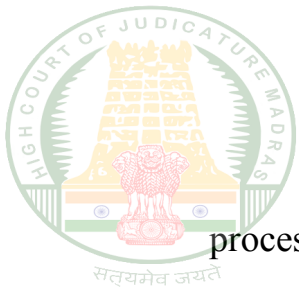
For Respondent  
Nos.2 and 3 : Mr.J.Selvaraja

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### **ORDER**

The present Writ Petition has been filed to call for the records on the file of the first respondent in impugned notice issued under Section 41(A) and Section 90 Cr.P.C. dated 09.02.2024 and quash the same, consequently direct the second respondent to hand over the key of the premises "New Grand Hotel" at No.310, G.S.T Road, Chrompet, Chennai - 47 to the petitioner.

2. The petitioner is a tenant in the above-mentioned premises under respondent Nos.2 and 3 from the year 2006. There is a dispute between the landlord and the tenant in respect of rent and other issues. Therefore, the petitioner's father filed a suit in O.S.No.16 of 2018 on the file of the District Munsif, Alandur, for injunction restraining respondent Nos.2 and 3 from taking any illegal dispossession of the property without due



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process of law and the same is pending with an interim order. In the meanwhile, respondent Nos.2 and 3 also filed R.C.O.P.No.101 of 2018 before the District Munsif, Alandur, and the same was renumbered as R.C.O.P.No.1 of 2023 on the file of the District Munsif, Pallavaram, for fixation of a fair rent. It was allowed in favour of respondent Nos.2 and 3. In the meanwhile, the petitioner was forcibly thrown out from the premises. Therefore, the petitioner lodged a complaint and similarly, respondent Nos.2 and 3 also filed a complaint. On the complaint lodged by respondent Nos.2 and 3, the first respondent issued notice under Section 41(A) and Section 90 Cr.P.C. to the petitioner. On the complaint lodged by the petitioner, the petitioner was issued C.S.R.No.104 of 2014, dated 07.02.2024 and subsequently, the petitioner's complaint was enquired and closed. However, on the direction issued by this Court, now the premises is under the lock and key and the key is with the hands of the first respondent.

3. The learned counsel for the petitioner submitted that there are extensive damages caused by respondent Nos.2 and 3 to the properties of the petitioner, which are kept in the premises.



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4. Admittedly, there is no order for eviction insofar as the injunction suit, which was filed by the petitioner and the same is pending. Now, the key of the petitioner's premises is handed over to the petitioner for his possession and enjoyment of the subject property.

5. Since it is a dispute between the landlord and the tenant, the first respondent has no role to play in the dispute between the petitioner and respondent Nos.2 and 3. If any damages caused by respondent Nos.2 and 3 to the property belongs to the petitioner, the petitioner is at liberty to lodge a fresh complaint before the C.C.B., Tambaram. If any complaint is received by the C.C.B., Tambaram, the Inspector of Police is directed to deal with the complaint in accordance with law. Respondent Nos.2 and 3 are also at liberty to approach the appropriate forum for eviction of the petitioner and to execute the order of the fair rent in the manner known to law.



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**WEB COPY** 6. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**21.02.2025**

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To

1. The Inspector of Police,  
T-2, Chrompet Police Station,  
Chrompet, Chennai - 47.
2. The Central Crime Branch, Tambaram.
3. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN, J.**  
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