



W.P.No.13536 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated:09.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.13536 of 2025

Mr.P.Habibullah, M/44,
S/o Palanisamy
No.9/251, Thuraiyur Main Road,
Erumpatti Village & Post,
Senthamangalam Taluk,
Namakkal District 637 013.

.. Petitioner

/versus/

1.The District Collector,
Namakkal District Collector's Office,
Namakkal.

2.The Tahsildar,
Erumpatti Taluk,
Namakkal District.

3.Mrs.Tahira,
W/o Tajudeen,
No.29/17, Kaikaati Pavalar Muthusamy
Nagar Colony, Erumapatti Village,
Namakkal Taluk, Namakkal District.

.. Respondents



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Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 05.04.2025, consequently pass direction directing the 1st and 2nd respondents to issue order to the 3rd respondent to permit the petitioner to take his all own things/properties/belongings from the third respondent's property i.e. Erumapatti Roja Cinema Theatre @ Meena Theatre.

For Petitioner :Mr.A.Hari

For Respondents :Mr.R.Murthi, GA for R1 and R2

ORDER

The prayer in the writ petition is to direct the respondents to consider the petitioner's representation dated 05.04.2025, consequently, pass a direction directing the 1st and 2nd respondents to issue order to the third respondent to permit the petitioner to take his all own things/properties/belongings from the third respondent's property (i.e.) Erumapatti Roja Cinema Theatre @ Meena theatre.



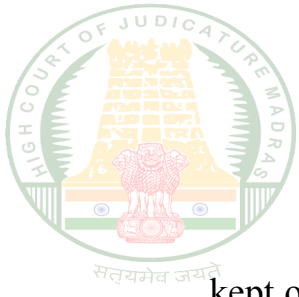
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2. Upon hearing the learned counsel appearing for the petitioner and the perusing the affidavit filed in support of the writ petition and the material records of the case, it can be seen that the petitioner was a lessee in respect of the theatre under the 3rd respondent. It is the claim of the petitioner that even though now the lease has come to an end, the 3rd respondent is trying to obtain license in her own name. All the petitioner's equipment are still inside the theatre. The 3rd respondent is not permitting him to take away the equipment.

3. Thus, it can be seen that it is a civil dispute between the petitioner and the 3rd respondent and the respondents 1 and 2 cannot interfere with the same. It is also stated that already a civil suit was filed in O.S.No.41 of 2022 on the file of the District Munsif Court, Senthamangalam and the same was dismissed for default. It is for the petitioner to file such application to restore the suit and he can claim such prayer only in the said suit and the representation cannot be directed to be disposed of. The above liberty is

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kept open to the writ petitioner and this Writ Petition stands disposed of. No costs.

09.04.2025

Neutral citation: no
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To

1.The District Collector,
Namakkal District Collector's Office,
Namakkal.

2.The Tahsildar,
Erumpatti Taluk,
Namakkal District.

3.The Government Advocate, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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