



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 31593 of 2025

1. Fathima Farzana,
W/o.Abdul Hameed, No.5, Uppurani
Palli Kilakku Theru,
Abiramam Panchayat,
Ramanathapuram District-623 601

Petitioner(s)

Vs

1. The State Of Tamilnadu,
Rep by its Secretary to Government,
Home, Prohibition and Excise
Department, Fort St.George,
Chennai-600 009
2.The Director General Of Police,
Dr.Radha Krishnan Salai, Mylapore,
Chennai-600 004
3.The Commissioner Of Police,
Office Of Commissioner, Veppery,
Chennai District-600 007
4.The Joint Commissioner Of Police,
South Zone, Parangimalai,
Chennai District-600 016



5. The Assistant Commissioner Of
Police,

Chinna Neelanjara, Neelangara,
Chennai District-600 115

Respondent(s)

PRAYER

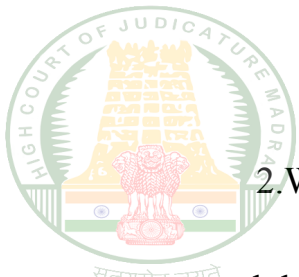
This Writ Petition has been filed seeking for issuance of a Mandamus, directing the 5th respondent to hand over the vacant possession of the premises bearing Old No.3/372, New No.2/453, Singaravelar First North Street, Chinna Neelankarai, Chennai-600 115 to the petitioner, by considering the petitioner's representation dated 27.01.2025 within the time stipulated by this Hon'ble Court.

For Petitioner(s): Mr.A.Balaji

For Respondent(s): Mr.E.Vijay Anand, AGP for R1
Mr.A.Gokulakrishnan, APP for
R2 to R5

ORDER

This Writ Petition has been filed seeking for issuance of a Mandamus, directing the 5th respondent to hand over the vacant possession of the premises bearing Old No.3/372, New No.2/453, Singaravelar First North Street, Chinna Neelankarai, Chennai, to the petitioner by considering the representation made by her on 27.01.2025.



2. When the matter was came up for hearing on 22.08.2025, this Court passed the following order:

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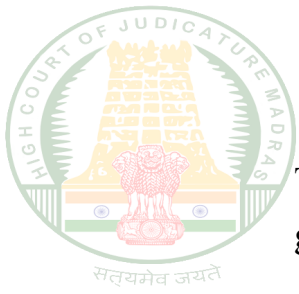
“This writ petition has been filed for issue of writ of mandamus directing the 5th respondent to handover vacant possession of the property to the petitioner by considering the representation made by the petitioner on 27.01.2025.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. The petitioner claims to be the owner of the property and this property has been let out to the 5th respondent. The grievance of the petitioner is that the 5th respondent is refusing to vacate the property and hand over the possession. In view of the same, several representations were made by the petitioner for getting the possession of the property. Since the same was not considered, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the relief as sought for in the present writ petition may not be maintainable, since the petitioner must only approach the competent court and seek for possession. However, it is seen that the rent was fixed in the year 2011 at the rate of Rs.25,000/- per month and thereafter, it has never been enhanced. The poor lady cannot go to a Civil Court as against the police establishment.

5. In view of the above, the learned Government Advocate appearing on behalf of respondents 2 to 5 shall take instructions with respect to the enhancement of rent that has to be paid by the 5th respondent to the petitioner. Since there has been no enhancement from the year 2011 onwards.



The calculation memo shall be filed based on the indication given by this Court.

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6. The learned Government Advocate shall also take instructions as to whether there is any proposal for shifting the Police Station in the near future.

7. Post this case at the end of the motion list on 28.08.2025.”

3. Pursuant to the above order, the learned Additional Public Prosecutor appearing on behalf of the respondents 2 to 5 submitted calculation memo along with all the relevant documents. The learned counsel for the petitioner also submitted calculated memo.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent and the learned Additional Public Prosecutor appearing on behalf of the respondents 2 to 5.

5. The Office of the Commissioner of Police, Neelangarai Range is now functioning in the subject property belonging to the petitioner. The parties



entered into an agreement through agreement dated 03.10.2011. As per this agreement, the respondents agreed to pay monthly rent of Rs.25,000/-. The agreement also contemplated increase in rent @ 5% every year (15% once in 3 years). Therefore, the increase of 15% should have taken place from the year 2014-17 and thereafter, from 2017 - 2020 and subsequently, from 2020- 2023 and latest increase must have taken place from the year 2023 upto 2025.

6.It is seen that the proposal for the rent enhancement was forwarded along with the PWD approval. However, the same is pending and therefore, the respondents are paying only a sum of Rs.25,000/- per month till date.

7.The learned counsel for the petitioner submitted that the petitioner will be entitled for increase @ 10% per annum and in the absence of the respondents agreeing to such increase, they have to vacate and handover the premises.

8. Per contra, the learned Additional Public Prosecutor appearing for the respondents 2 to 5 submitted that the respondents have acted upon the



agreement and the proposal for enhancement @ 15% once in 3 years was also placed before the DGP and it is pending. He further brought to the notice of this Court that the 5th respondent has already made a representation to the third respondent requesting for the relocation of the Office to the Neelangarai Police Station, where sufficient space is available. This representation is pending consideration.

9. In the considered view of this Court, this Court will be very slow in dealing with issues of this nature while exercising its jurisdiction under Article 226 of the Constitution of India. It is basically a landlord and tenant dispute between the parties. Normally, these disputes can only be resolved before the competent Court. However, considering the fact that the petitioner is now pitted against the Police Department, this Court thought it fit to exercise its discretion under Article 226 of the Constitution of India and to strike a balance.

10. In view of the above, this Court is inclined to go by the terms of the agreement entered into by the parties on 05.10.2011. The parties had agreed for



enhancement @ 5% every year(15% once in 3 Years). Such increase in rent

will commence from the year 2014 onwards. The memo of calculation filed by

the 5th respondent is extracted hereunder:

<i>Sl. No.</i>	<i>Year</i>	<i>Rent Amount (5% Increase)</i>	<i>Total Months</i>	<i>Increase per month</i>	<i>Total Amount paid in year</i>	<i>Difference Amount</i>
1.	2011	Rs.25,000	12	No Change as per rental Agreement	Rs.3,00,000	Nil
2.	2012	Rs.25,000	12	No Change as per rental Agreement	Rs.3,00,000	Nil
3.	2013	Rs.25,000	12	No Change as per rental Agreement	Rs.3,00,000	Nil
4.	2014	Rs.28,941	12	Rs.1,378	Rs.3,00,000	Rs.47,292
5.	2015	Rs.30,388	12	Rs.1,447	Rs.3,00,000	Rs.64,656
6.	2016	Rs.31,907	12	Rs.1,519	Rs.3,00,000	Rs.82,884
7.	2017	Rs.33,502	12	Rs.1,595	Rs.3,00,000	Rs.1,02,024
8.	2018	Rs.35,177	12	Rs.1,675	Rs.3,00,000	Rs.1,22,124
9.	2019	Rs.36,936	12	Rs.1,759	Rs.3,00,000	Rs.1,43,232
10.	2020	Rs.38,783	12	Rs.1,847	Rs.3,00,000	Rs.1,65,396
11.	2021	Rs.40,722	12	Rs.1,939	Rs.3,00,000	Rs.1,88,664
12.	2022	Rs.42,758	12	Rs.2,036	Rs.3,00,000	Rs.2,13,096
13.	2023	Rs.44,896	12	Rs.2,138	Rs.3,00,000	Rs.2,38,752
14.	2024	Rs.47,141	12	Rs.2,245	Rs.3,00,000	Rs.2,65,692
15.	2025	Rs.49,498	12	Rs.2,257	Rs.3,00,000	Rs.2,93,976
Total		Rs.5,35,649	180	Rs.21,935	Rs.45,00,00	Rs.19,27,788



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11. It is seen from the records that the decision is pending before the DGP and the DGP, in turn, has to get the sanction of the Government. The petitioner cannot be made to wait endlessly for getting this amount and therefore, this Court is inclined to give a direction to the first respondent to act upon this proposal and to grant the sanction.

12. There shall be a direction to the first respondent to act upon the sanction sought for by the second respondent and pay the arrears of rent from the year 2014 onwards based on the increase of 15% from the existing rent, once in 3 years. The entire arrears upto the year 2025 shall be paid to the petitioner within six(6) weeks from the date of receipt of a copy of this order. Apart from that, the increase of 15% shall be continued to be applied till the respondents vacate and handover the premises to the petitioner. Accordingly, the monthly rent payable henceforth shall be the increased rent as per the agreement.



13. Insofar as the vacating and handing over the premises, no such direction can be issued by this Court in the Writ Petition. Already the 5th respondent has placed a proposal for shifting the Office to the Neelangarai Police Station, the same shall be taken into consideration by the first and second respondents. Till the final decision is taken, the above directions shall continue.

14. This Writ Petition is disposed of, with the above direction. No costs.

28-08-2025

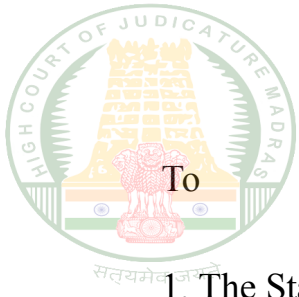
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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Rep by its Secretary to Government,
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Department, Fort St.George,
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2. The Director General Of Police,
Dr.Radha Krishnan Salai, Mylapore,
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