

19-8259

No. \_\_\_\_\_

Supreme Court, U.S.

FILED

JAN 08 2020

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

TALIB HUSSAIN — PETITIONER  
(Your Name)

vs.

WAQAS KEENAN/MARIETTA  
HALALMEAT, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE STATE COURT OF APPEALS GA (APPELLATE COURT)  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

TALIB HUSSAIN

(Your Name)

656 BELLEMEADE DR S/W

(Address)

MARIETTA, GEORGIA 30008

(City, State, Zip Code)

678-615-0640

(Phone Number)

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ORIGINAL

## QUESTION (S) PRESENTED

### Due process of law and great Importance of public interest

Can a landlord in State of Georgia evict his tenant without dispossesry notice and without obtaing Eviction Order from a Court?

OCGA 44-7-++, GA landlord tenant hand book, Alston & Bird LLP. Select Issuees in Terminating Commercial Leases. Sutherland Asbill & Brennan LLP. GA Eviction Process-National eviction .com. Termination Pitfalls Surrender and Abandonment all overlooked by the lower Court.

This is an important issue of law and importance of wider public interest.

Did the State Court of Cobb County ensured Eviction order in file?

Why/How the lower Court faild to function as per GA Rules & Laws?

Is there any rule, OCGA, and law mentioned in the lower Court Judgment?

Did the lower Court judgment severely hitted the public inteeest?

Did the lower Court properly applied the rule of law ?

### Tress Passing, Breaking and Changing Locks, Bargulary & Punitive Damage

Can a lanlord break and change the locks of tenant business and sell his investment worth of \$ 240,000 without Court Order?

This is a law issu, greatly concern with importance of public interest.

Did the lower Court watch the receipt for locks change in file?

How and why the lower Court neglect Receipt and Eviction Order?

Is neglect of Eviction Order and locks receipt, shows the favour to Defendants and disfavour to Plaintiff, a biasness, prejudice?

FRIVOLOUS STATEMENTS ( more than 10. I will just short to 4 only)

Is it frivolous claim by Najco inc, that Plaintiff Hussain did not pay the rent of September, 2011? Rent is paid and cashed, Check in record.

Is it Najco frivolous claim that Hussain is to owe \$ 20,000.00? File number 2011-A-2502-2. This is frivolous and harassing statement.

Is it harassy claim of Najc inc, that Plaintiff Hussain did not advertise the business for sale? Business was advertised, news papers are in record.

SURRENDER, ABANDONMENT AND AUTHORITY TO CONTRACT

Is Russell Churchill an authorized person to make contract? No.

How Russell contracted the INDEMNITY contract which is not signed by other party, which is not notarized and not supported by any authority?

Does this indemnity contract give authority to break/ change the locks?

Can Najco Inc, provide any proof, any written document/ undertaking for surrender of key or abandonment of property by Najjar Lee?

Who signed the lease (Najjar or Russell) why lease is not shown?

Is second Affidavit by Russell fabricated and different from first one?

Should the lower Court accept and render verdict on frivolous statements?

APPELLATE COURT OF GEORGIA.

Is this a conflict between lower court style of decision and Appellate Court

style of decision, as lower Court decision contains no rule of law and OCGA but the Appellate Court clearly contain OCGA 5-6-41?

The cause of affirming the decision is 100% different than the cause of judgment, hence conflict exists between lower Court and Appellate Court.

Is there conflict exist between OCGA 5-6-41 & OCGA 5-6-42?

Is the Appellate Court correct to affirm the lower Court decision because Appellant did not include transcript as per OCGA 5-6-41?

Why the Appellate Court failed to consider OCGA 5-6-42 which says (If the Appellant designate any matter to be omitted from the record on appeal as provided Section 5-6-37. Appellee may 15days.....Appellee can include the omitted part at his own expenses. Appellant is indigent.

Did the Appellate Court see the Eviction Order Receipt of Locks and my pauper Affidavit in record?

Does the Appellate Court know Georgia landlord tenant hand book, Alston & Bird LLP. Select issues in terminating commercial leases, Sutherland Asbill & Brennon LLP, GA eviction process-National eviction .com, Termination Pitfalls Surrender and Abandonment. All in record Exhibit from 17 through 22.

Is under pressure Appellate Court affirm the decision of lower Court which is not according to Due Process of Law? Which has an issue of law? and has great effect on public interest of importance?

#### THE SUPREME COURT OF GEORGIA.

Certiorari is not my right, it is judiciary discretion to grant or deny.

Does a judiciary hold the discretion to deny the basic right of justice?

Is there any law in the United States of America which denoy the Justice?

My case is just OPEN AND SHUT CASE. I loose as I can not afford attorney.

I need justice nevermind the appeal is certiorari or justice appeal or any other kind of appeal. If I am not given justice how can I belief that justice prevail in the United States of Americas?

DENY OF CERTIORARI APPEAL IS DENY OF JUSTICE

## LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

*NDNE*

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OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

**[ ] For cases from federal courts:**

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- [ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- [ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

**[ ] For cases from state courts:**

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- [ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

- [ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

## JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_A\_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was MAY 17, 2019. A copy of that decision appears at Appendix A.

[ ] A timely petition for rehearing was thereafter denied on the following date: DEC 23, 2019, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_A\_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

## STATEMENT OF THE CASE

Landlord Najco Inc, and I, Talib Hussain entered in lease for property 803, suite 6 at Powder Spring Street, Marietta, GA. in November 2005. Manager never brought the lease document back to me after having signed by Directot Najjar Lee, only authorized person to contract by Najco Inc.

Najco never produce the lease in lower Court. In fact the actual rent was \$950 but Najcop was charging from me \$ 1100. New tenant Waqas Keen (Party in case) is paying \$950 lease and Ryder on record. Within my 6 years occupancy Najco over charge the rent about \$ 10,800.00. Najco Inc waived 3 month rent but refused to give the lease.

Najco sent me unsigned Harassy notice on Sept 26, 2011, pay within three days \$ 3575 or face the legal eviction", but never obtain eviction order. I have to pay rent for two month. On October 4, 2011, Najco advised me to ADD the business for sale, and quit by Dec 31, 2011.

On Dec 10,2011 Najco and new tenant Waqas Keen jointly and severely broke the locks, change the locks and evicted me forcibly and illegally. The landlord neither file disposessory nor obtained any legal eviction order from Magistrate Court. Waqas Keen was my bonafide customer his offer was too low which was rejected.

Break and change of locks of my business with an intent to sell my stuff, which was sold, is a grand smash burglary and trespass action. Receipt of lock change is in record. Waqas Keen admit and Najco Inc, deny

the change of locks in record.

I filed the case in the State Court of Cobb County as Pro-se, File # 11-A-5205-2 latter on I hire an attorney Mis Robecca who amended the case. Robecca filed for Injuctive relief which could close the business. the State Court lacking authorty, allivated the case to the Superior Court of Cobb County. I paid the cost fee to Robecca.

She kept on cheating me that case is filed in the Superior Court but in fact it was not filed. During this period Robecca and Najco became friend, time limit over and case was dismissed. Robecca without any information to me re-filed the case in the State Court at her own expense. Case # 12-A-3592-2 and bye bye to me.

I searched for a contingency lawyer, got it at term of 33% after winning the case. Mr Flature worked and got dismissed the counter claims of Defendants. I got a new and strong hope to win. At the trial he also mess up with Najco attorney, did not argue about notice of dispossesry and required eviction order by law. Judgment came against me.

I tried for a new trial as pro-se which was denied, normally it happened.

I new the word appeal but never knew where to fille. I filed the appeal in the Superior Court of Cobb County instead Court of Appeals. The Superior Court of Cobb county forworded to the Court of Appeals of GA.

The Court of Appeals of Georgia affirm the decision of lower Court

without having complete respond of Defendants. I filed Certiorari appeal in the Supreme Court of Georgia which is denied.

Ultimately I am in the highest US Judiciary Court for the grant of Certiorari. The proper law is not applied by the lower Court as well as by the Appellate Court of Georgia.

If this precedent is set in the State of Georgia that a landlord can evict his tenant without dispossesry and without obtaing eviction order from a Court than million of families, billion of business community and trillion of job seekers will be on roads. The importance of public interest will be severely damaged. Only this United State Can protect. LET US DO THE JUSTICE AND IT HAS TO BE DONE ALTHOUGH HEAVEN FALLS.

## REASONS FOR GRANTING THE PETITION

01. The trial Court in this case has committed an important Error and has established a precedent that a landlord can and should Evict his tenant without dispossessry and without obtaining Eviction Order from Court. The landlord can break/change the locks.

This precedent is in conflict of OCGA 44-7-+++= and GA landlord tenant hand book, Alston & Bird LLP, Select Issues in Terminating Commercial Leases, more added in Questions.

02. This precedent is not against my case only but widely against the interest of national public. If this precedent remain in force more than million rental families with innocent children will be on side walk every day irrespective of hot and snow climate. The Court should grant the writ.

03. More than million business rental community will loose their businesses, when businesses locks will be broken and change over night by the landlords. More than billions citizen will loose their jobs. Investment will heavily suffer and affected, which ultimately will hit the US economy.

04. Ruling in my case effectively forecloses further " percolation " either because this case one judicial ruling is likely to govern future behavior.

05. This case decision is so important that Certiorari should be granted even in the absense of conflict.

06. The national importance of having the US Supreme Court decide the question involved whether the lower Court and Appellate Court properly

applied the law.

07. This case present the issue of law with large scale of public opinion, public importance and public interest. The Court should accept this to be compelling reasons for grant of Writ.

08. The Writ should be granted not for me but in the importance of large national public and citizen interest to protect their future, protect family and children future, protect the business and employment, protect the country economy, from landlords such eviction which are without dispossessory notice and without obtaining Eviction Order from a Court.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

TALIB HOSSAIN

Date: 01-07-2020