

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10188 of 2015

and

M.P.Nos.1 and 2 of 2015

M.Amanullah

.. Petitioner

vs

The Commissioner
Vellore City Municipal Corporation
Vellore

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to de-seal, hand over possession of the Kalyana Mandapam, located at Filter Bed Road, Vellore 1, along with furniture and articles to the petitioner.

For Petitioner : Mr.P.Subba Reddy

For Respondent : Mrs.P.Shanthi

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The learned Counsel appearing for the petitioner, would submit that the premises in question, viz. Kalyana Mandapam, was leased out to the petitioner and he was issued with a notice by the respondent claiming arrears, which is the subject matter of challenge in W.P.No.29110 of 2005, and the said writ petition has been disposed of by this Court on this date, closing the writ petition as arrears have been cleared.

3.The learned Counsel appearing for the petitioner, would further submit that it would suffice to grant one year time to the petitioner to vacate and deliver vacant and peaceful possession of the premises in question, to the respondent and till such time, he will continue to pay the rent and shall keep the premises in a good and sound condition and will not create any third party rights and prays for appropriate orders.

4.Per contra, Mrs.P.Shanthi, learned Standing Counsel appearing for the respondent, has drawn the attention of this Court to the counter affidavit and would submit that the building is required for locating Kalaspalayam Middle School, which is in a dilapidated condition, and therefore, the time limit of one year sought for by the petitioner, is on the higher side and prays for appropriate orders.

5.This Court, in the light of the facts and circumstances, grants nine months' time to the petitioner from 1.6.2015 to 28.2.2016, and the petitioner shall vacate and deliver vacant and peaceful possession of the premises in question, to the respondent on or before 28.2.2016, and till such time, shall regularly pay the rent and keep the premises in a good, sound and habitable condition and shall not create any third party rights. In the light of the said undertaking, the respondent is directed to de-seal the premises and hand over the possession to the petitioner forthwith, on receipt of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

nsv

To:

The Commissioner
Vellore City Municipal Corporation
Vellore

+1 cc to Mr.P.Subba Reddy, Advocate sr.38371
+1 cc to Mrs.P.Shanthi Advocate sr.37589

W.P.No.10188 of 2015

aa28/07/2015