

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.29671 of 2015

and

M.P.No.1 of 2015

J.Susila

.. Petitioner

Vs.

1.State of Tamil Nadu represented by its
the Principal Secretary to Government,
Handlooms, Handicrafts, Textiles &
Khadi (C1) Department,
Government of Tamil Nadu,
Fort Saint George, Chennai - 600 009.

2.The Director,
Handlooms & Textiles,
Kuralagam, Chennai - 600001.

3.Vellore District Co-operative
Spinning Mills (Defunct),
rep.by its Handloom Officer (Legal)/Liquidator,
O/o.Assistant Director of Handlooms & Textiles,
Vellore - 632 001.

.. Respondents

Petition filed under Article 226 of The Constitution of India
praying to issue a writ of mandamus directing the third respondent to
create a periodical tenancy between the petitioner and the 3rd
respondent's co-operative spinning mill on payment of reasonable monthly
rent till the lifetime of the petitioner on the ground of equity and
conscience by considering the age of the petitioner.

For Petitioner

..

Mr.S.Vijay Anand

For Respondents

..

Mr.D.Venkatachalam
Government Advocate

ORDER

The petitioner was allotted quarters by the third respondent Co-
operative Spinning Mills while she was in service. She got voluntary
retirement on 28.2.1999. The third respondent mill became a sick unit
and it was closed in 1999. However, the petitioner is still staying in

the quarters allotted by the third respondent. Since the third respondent had become a sick unit, an Official Liquidator had been appointed. The Official Liquidator has issued notice dated 17.7.2015 directing the petitioner to vacate and handover possession of the quarters. Therefore, the petitioner has come before this Court seeking a mandamus directing the third respondent to allow the petitioner to stay in the quarters till her life time on payment of a reasonable monthly rent.

2. Heard Mr.S.Vijay Anand, learned counsel appearing for the petitioner and Mr.D.Venkatachalam, learned Government Advocate, appearing for the respondents.

3. The petitioner was allotted quarters only based on her work in the third respondent mill. She already got voluntary retirement on 28.2.1999. By that time, the third respondent mill had become a sick unit and it has been in the custody and care of the Official Liquidator. Even after getting Voluntary retirement in 1999, the petitioner has been in occupation of the quarters for more than 16 years. When right to avail quarters is not available in the third respondent mill, the petitioner cannot seek for a mandamus to permit her to stay in the quarters on payment of monthly rent. As such, the relief sought for by the petitioner cannot be granted. The Writ Petition is dismissed. No costs. The connected Miscellaneous Petition is closed.

4. However, taking into consideration the petitioner's long service in the third respondent spinning mill and her age, it is appropriate to direct the third respondent to grant time till 31.12.2015 to handover possession of the quarters by the petitioner. On such expiry of the time granted by this Court, the petitioner shall handover possession on or before 01.01.2016. If there is any failure on the part of the petitioner to handover possession, it is open to the respondents to take possession.

Call the matter for reporting compliance on 05.01.2016.

सत्यमेव जयते

-sd/-

ASSISTANT REGISTRAR (CS-III)

/ TRUE COPY /

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SUB-ASSISTANT REGISTRAR

asvm

To

1.The Principal Secretary to Government
of Tamil Nadu,
Handlooms, Handicrafts, Textiles &
Khadi (C1) Department,
Government of Tamil Nadu,
Fort Saint George, Chennai - 600 009.

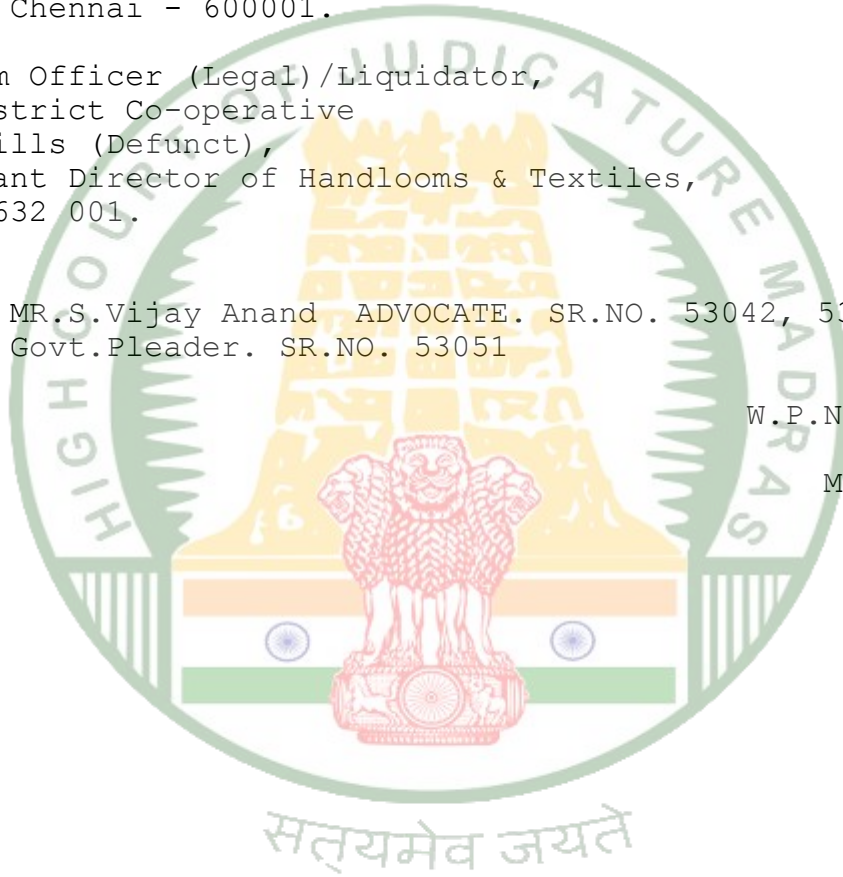
2.The Director,
Handlooms & Textiles,
Kuralagam, Chennai - 600001.

3.The Handloom Officer (Legal)/Liquidator,
Vellore District Co-operative
Spinning Mills (Defunct),
O/o.Assistant Director of Handlooms & Textiles,
Vellore - 632 001.

+3 CC to MR.S.Vijay Anand ADVOCATE. SR.NO. 53042, 53293
+1 CC to Govt.Pleader. SR.NO. 53051

W.P.No.29671 of 2015
and
M.P.No.1 of 2015

CO-SVI
JD 09/10/2015



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