

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5951 of 2015

&

M.P.No.1 of 2015

G.Devarajan

... Petitioner

vs.

1.The Chief Secretary
Tamil Nadu Government
Secretariat, Chennai - 600 009

2.Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai - 600 004

3.Commissioner of Police
Chennai Police New Commissioner Office
Vepery, Chennai - 600 007

4.Joint Commissioner of Police
Ambattur Industrial Estate
Chennai - 600 058

5.Inspector of Police
K9, Police Station
Sembium, Chennai - 11

सत्यमेव जयते ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider and pass orders on petitioner's representation dated 22.02.2015 for immediate issue of G.O and to pay the unpaid rent fixed by the Public Works Department (P.W.D) in respect of the property occupied by the 5th respondent, pending for the past 4 years vide 6 rental agreements (each valid for a period of 11 months), along with the interest fixed by the nationalized bank.

For Petitioner : Mr.G.Devarajan
Petitioner- in- Person

For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

O R D E R

Heard the petitioner appearing in person and Mr.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents and perused the materials placed in the typed-set of papers filed along with the writ petition and counter affidavit of the Inspector of Police, K9 Police Station, Sembium.

2. The petitioner has filed this writ petition for directing the respondents to consider and pass orders on petitioner's representation dated 22.02.2015 and also to direct the respondents to pay rent fixed by the Public Works Department, pending for the past 4 years, in respect of the property occupied by the 5th respondent . It is submitted by the petitioner that though he voluntarily offered the ground floor portion of his building to the police station, rents were not paid and there was default. When the matter was heard on 05.03.2015, it was ascertained that there is no dispute that there was arrears of rent and as on the said date, the outstanding arrears was Rs.5,01,138/-. Therefore, this Court passed the following order:

"The petitioner appearing in person has come forward with the grievance that the police Authorities requested for grant of lease of his premises for the K9 Police Station at Peravallur area. Petitioner bearing in mind the public interest involved voluntarily offered this property and initially agreed rent was Rs.36,000/- per month. Subsequently, the petitioner was informed that the Public Works Department will pay only Rs.7,593/- per month. Though, the rent was ridiculously low, considering the fact a police station has been established in his property, the petitioner was willing to accept Rs.7,593/- per month. However, till date, the rent has not been paid and as on date, the outstanding arrears is Rs.5,01,138/-. In spite of several representations, the respondents 4 and 5 are not taking any effective steps to disburse the rent.

2.Hence, the respondents 3 to 5 are called upon to show cause as to why a direction should not be issued to vacate K9 Police Station from the petitioner's premises.

3.Post on 20.03.2015 at the end of the motion list. "

3. Today, a counter affidavit has been filed by the Joint Commissioner of Police, West Zone, Greater Chennai Police Commissionerate stating that the entire arrears have been paid by way of pay order dated 13.03.2015 and acknowledgment has also been issued.

4. The petitioner appearing in person accepts the fact that the arrears have been paid as stated in the counter affidavit. His further grievance is that interest has not been given. However, the terms and conditions of the rental agreement do not contemplate payment of interest. In any event, this Court informed the petitioner that he, having voluntarily given the house for police station, should be magnanimous to accept the rent and should not claim any interest.

5. On a suggestion made by this Court, the petitioner readily agreed and was satisfied that the entire arrears have been paid.

6. In the light of the above, the writ petition is disposed of directing the respondent to pay the monthly rent properly without any default in future. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Chief Secretary
Tamil Nadu Government सत्यमेव जयते
Secretariat, Chennai - 600 009

2. Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai - 600 004

3. Commissioner of Police
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Vepery, Chennai - 600 007

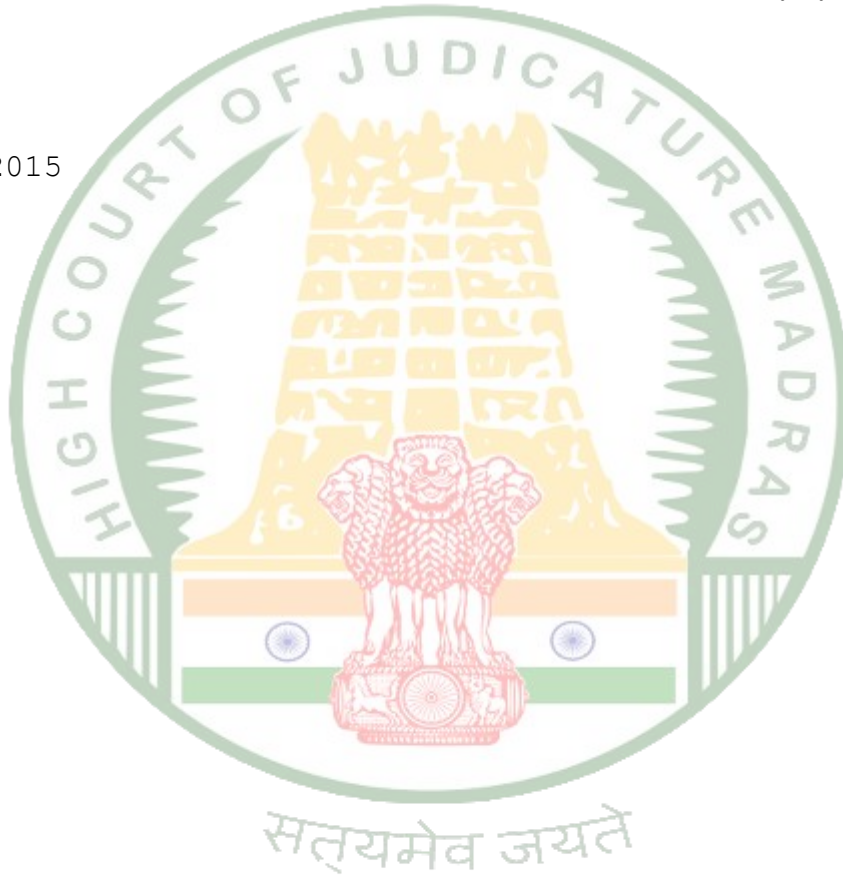
4. Joint Commissioner of Police
Ambattur Industrial Estate
Chennai - 600 058

5. Inspector of Police
K9, Police Station
Sembium, Chennai - 11.

1 cc to Government Pleader, Sr.No16050
2 cc to Mr. G.Devaraju, Advocate, SR.No.15874

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pmk.10.4.2015



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