

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.6.2016

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

**W.P.No.10576 of 2016
and
W.M.P.Nos.9270 to 9272 of 2016**

A.Baladhandayutham @ Balaji

Petitioner

Versus

- 1 The District Collector
Coimbatore District Coimbatore
- 2 The Tahsildar
Coimbatore South Coimbatore
- 3 The Manager
Indian Overseas Bank Main Branch
Gandhipuram Coimbatore
- 4 M/s.Ganga Arthi Infra Pvt. Ltd.
rep. by its Director
No.126 5th Street
100 Feet Road Gandhipuram
Coimbatore 641 012
- 5 L.S.Sathish Kumar
Director
M/s.Ganga Arthi Infra Pvt. Ltd.
No.126 5th Street 100 Feet Road
Gandhipuram Coimbatore 641 012
6. Mallika
7. V.Ranjith Chander
(R6 and R7-impleaded vide order dated 22.6.2016
made in WMP No.17050 of 2016)

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 2nd respondent and quash the order dated 28.5.2015 made in Na.Ka.No.5778/2015/A1 and quash the same and further direct the respondents to restore the business in the premises allotted to the petitioner with original condition as on 28.9.2015.

For petitioner : Mr.E.Sampathkumar

For RR1 and 2 : Mr.P.S.Sivashanmugasundaram, Spl.G.P.

For R3 : Mr.F.B.Benjamin George

For RR4 and 5 : Mr.A.Palaniappan

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. It appears that the petitioner is squatting over the property in the capacity of tenants under the original landlord for more than 11 years. However, the property was brought to auction since there was default in repayment of loan availed by the original landlord and the fourth respondent, being the successful bidder, purchased the property. Sofar as eviction of the petitioner-tenant is concerned, the District Collector issued a notice to the petitioner in due course of process. There is no doubt that when once the property was sold in auction, the tenant has to be vacated, of course, by issuing notice of reasonable time.

3. Further, it is brought to the notice of the court that there is rental arrears by the petitioner. Be that as it may, the petitioner is very much insisting to continue as tenant under the auction purchaser.

4. Therefore, considering the facts and circumstances of the case, the petitioner would be given time till 31st March 2017 subject to payment of rent of Rs.20,000/- per month from today. Further, the petitioner as well as the person concerned shall calculate the amount due towards arrears of rent which shall be paid within three weeks from today. It is made clear that if the petitioner fails to pay the arrears of rent or much less commits default in payment of monthly rent of Rs.20,000/- as and when it becomes due, the District Collector is directed to take possession of the property and hand over the same to the auction purchaser. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

(H.G.R.,J.)(M.V.M.,J.)

22.6.2016

Index:Yes/No
Internet:Yes/No
ssk.

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**HULUVADI G. RAMESH, J.
AND
M.V.MURALIDARAN, J.**

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