

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15626 of 2016

P. Usha [Petitioner]
W/o Mr. Venkatasubba Reddy
Rep by her power agent
Mrs. B. Roopa

Vs

- 1 Protector General of Emigrants
Ministry of External Affairs
Government of India
Akbar Bhawan Chanakya Puri
New Delhi 110 021
- 2 Protector of Emigrants
Ministry of External Affairs
Government of India
TNHB Complex Ashok Nagar
Chennai 600 083 [Respondents]

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the 1st respondent to consider the representation of the petitioner dated 30/03/2016.

For Petitioner: Mr.K.Ramakrishna Reddy, Senior Counsel
for Mrs.P.kalpa Reddy

For Respondents : Mr.J.Madhanagopal Rao, CGSC

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the 1st respondent to dispose of her representation dated 30/03/2016.

2. It is the case of the petitioner that she is the absolute owner of the premises bearing Door No.6, Wallace Garden, III Street, Chennai 6. Pursuant to the rental agreement dated 06.07.2009, the first floor portion of the said premises was let out to M/s International Overseas

Consultants, represented by its Proprietor Mr.T.Balan, for non residential purposes, which was valid till 10.06.2013 and the said agreement had a clause stating that the tenancy will not be renewed and the said T.Balan shall vacate and hand over the vacant possession of the subject premises to her representative on expiry of the said tenancy without requesting for any extension of time. It is the further case of the petitioner that the said T.Balan is carrying on the business as a proprietor of 'M/s.International Overseas Consultants' with the necessary license. Since the lease agreement period was over and the same has not been renewed, for the purpose of renewing the license to carry on the business, the regular renewal of tenancy agreement is necessary. According to the petitioner, question of renewal of license or to grant fresh license to the said T.Balan does not arise. In this regard, the petitioner has sent repeated letters to the respondents about the non-renewal of lease agreement. A representation dated 30.03.2016 was sent to the 1st respondent. Legal notices were also sent. But till date, there is no response. Now, the petitioner has approached this Court by filing this writ petition for the above stated relief.

3. Heard Mr.K.Ramakrishna Reddy, learned Senior Counsel for the petitioner and Mr.J.Madhanagopal Rao, learned Central Government Standing Counsel, who took notice for the respondents.

4. Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation of the petitioner dated 30.03.2016 and pass appropriate orders after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the 1st respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1 Protector General of Emigrants
Ministry of External Affairs
Government of India
Akbar Bhawan Chanakya Puri
New Delhi 110 021

2 Protector of Emigrants
Ministry of External Affairs
Government of India
TNHB Complex Ashok Nagar
Chennai 600 083.

1 cc to Mrs.P. Kalpa Reddy, Advocate, Sr. 25823

1 cc to Mr.T. Madangopal Rao, Advocate, Sr. 26150

W.P.No.15626 of 2016

GJ II (CO)
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