

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15778 of 2016

1.Thiru R.Shunmugham, I.A.S.
(Retired)

2.Mrs.Yasodha Shunmugham .. Petitioners
vs.

1.The Chairman & Managing Director,
Indian Overseas Bank,
763, Anna Salai,
Chennai-2.

2.The General Manager,
Legal Cell,
Indian Overseas Bank,
Regional Office,
763, Anna Salai,
Chennai-2.

3.The Chief Manager,
Indian Overseas Bank,
Perfect Towers,
A.H.1 Ivth Avenue,
Shanthi Colony,
Anna Nagar, Chennai-40.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to dispose of the petitioners' representation dated 7.8.2014.

For Petitioners : M/s.G.Bharadwaj

For Respondents : Mr.N.G.R. Prasad
for M/s.Row and Reddy

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners and the third respondent entered into a Lease Agreement in respect of Ground and First Floor of the premises bearing No.AC 56 [New No.AC 16] 5th Avenue, Anna Nagar, Chennai-600 040, for locating a branch of the Indian Overseas Bank and the said lease was also renewed for a period of ten years from 26.04.2010. The third respondent subsequently approached the petitioners expressing their desire to terminate the lease and accordingly, a letter was sent to the petitioners on 21.05.2013 stating that the third respondent bank would terminate the lease by 20.08.2013 and vacate the premises on 31.07.2013 in terms of Clause 4(1) of the Lease Deed. The third respondent also requested the petitioner and his wife to refund the advance amount of Rs.4,44,600/- and Rs.4,26,582/- respectively. The petitioner and his wife, in response to the said notice, had sent a reply dated 22.5.2013 by inviting their attention to Clause 2(iv) of the agreement and requested them to handed over the premises in a tenantable condition and it was acknowledged by the third respondent. The petitioner and his wife had repaid the advance and the third respondent also vacated the premises and on inspection it was found that window grills have been broken to fix air conditioners in the first floor and so also in the ground floor and the wall separating the verandah on the eastern side of the hall has been cut open in many places and many solid teakwood doors have been removed and unaccounted. The petitioner and his wife, in this regard, had repeatedly sent letters dated 07.03.2014, 07.08.2014 and followed by legal notices dated 30.10.2014 and 20.01.2016 and since, no proper response is forthcoming, came forward with this writ petition.

3. Mr.G.Bharadwaj, learned counsel appearing for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that despite very many representations as well as legal notices sent, the respondent did not care to send reply and left with no other option only, the petitioners are constrained to approach this Court.

4. Per contra, Mr.N.G.R.Prasad, learned Standing Counsel appearing for the respondents would submit that the premises in question have been handed over to the petitioners in good and tenantable condition.

5. This Court has considered the rival submissions and perused the materials placed before it.

6. This Court, taking into consideration the limited scope of prayer sought for by the petitioner, directs the third respondent to consider and dispose of the petitioners' representations dated 07.03.2014, 07.08.2014 as well as the legal notices dated 30.10.2014 and 20.01.2016 sent on their behalf, on merits and in accordance with law and pass orders

within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Chairman & Managing Director,
Indian Overseas Bank,
763, Anna Salai, Chennai-2.

2.The General Manager,
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Regional Office,
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Chennai-2.

3.The Chief Manager,
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Perfect Towers,
A.H.1 Ivth Avenue,
Shanthi Colony,
Anna Nagar, Chennai-40.

+1cc to Mr.G. Bharadwaj, Advocate, S.R.No.45515
+1cc to M/s. N.G.R. Prasad, Advocate, S.R.No.45564

CTK(CO)
EU(12/08/2016)

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