



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.6596 OF 2014

M.Periya Sudalai

..Petitioner

.-Vs-.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
SIPCOT,
Thoothukudi.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to vacate the TASMAL Shop in Shop No.10080 from the petitioner's building within stipulated time by considering the representation of the petitioner dated 03.06.2013.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.S.Satheeshkumar

Addl.Govt.Pleader.

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the respondents to vacate the TASMAL Shop in Shop No.10080 from the petitioner's building within stipulated time by considering the representation of the petitioner, dated 03.06.2013.

2. The learned Counsel appearing for the petitioner submitted that he had let out a portion of his house to the second respondent to conduct a TASMAL shop. By virtue of the lease, according to the petitioner, the second respondent is conducting TASMAL Shop No.10080 from the year 2004. The petitioner's further case is that, he requested the respondents 1 and 2 to vacate the TASMAL shop earlier and that the respondents 1 and 2 have agreed to vacate the premises. However, they have not kept up their promise and hence, the petitioner seeks a direction from this Court to the respondents to vacate the TASMAL shop from the petitioner's building.



3. The TASMAL is a Corporation and amenable to the jurisdiction of the authorities under the Tamil Nadu Building (Lease and Rent Control) Act, 1960. Since the petitioner has got an alternative remedy, it may not be appropriate to entertain the writ petition seeking to evict the respondents. Hence, this writ petition is dismissed with a liberty to the petitioner to approach the Rent Controller under the Provisions of Tamil Nadu Building (Lease and Rent Control) Act, in the manner known to law. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Thoothukudi District, Thoothukudi.

2.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
SIPCOT, Thoothukudi.

+1 cc to M/s.T.A.Ebenezer, Advocate in SR.No.31772/16

+1 cc to The Special Government Pleader in SR.No. 31710/16

gsr

CSL/SK-SKN/30.06.2016 : 2p/5c

W.P(MD)No.6596 OF 2014

20.06.2016