



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.19566 of 2016

A.Gulam Dasthakir

... Petitioner

Vs.

1.The Commissioner of
Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The Joint Commissioner of
Commercial Taxes,
Dr.Thangaraj Salai,
C.T.Building,
Madurai-20.

3.The Deputy Commissioner of
Commercial Taxes,
C.T.Building, Sub-Collector Office Road,
Dindigul.

4.The Commercial Tax Officer,
4/142-B7-1,
Turnerapuram 2nd Street,
Kodaikanal,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the fourth respondent to vacate the building and premises of the petitioner in Door No.142-B7-1-11-74, Ananthagiri 2nd Street, Kodaikanal, Dindigul District by considering the petitioner's representation, dated 12.07.2016 within a stipulated time.

For Petitioner : M/s.T.Uma Maheswari

For Respondents : Mr.R.Karthikeyan,
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the fourth respondent to vacate the premises of the petitioner in Door No.142-B7-1-11-74, Ananthagiri 2nd Street, Kodaikanal, Dindigul District by considering the petitioner's representation, dated 12.07.2016 within a stipulated time.

2. According to the petitioner, he is the owner of the building in Door No. 142-B7-1-11-74, Ananthagiri 2nd Street, Kodaikanal, Dindigul District. The above said building has been leased out to the fourth respondent for monthly rental of Rs.1,610/- and the fourth respondent committed default in payment of rent from February 1998 to December, 1998. Subsequently, after the demand made by the petitioner, the amount has been paid. Since the petitioner wants to start a new business in the said building, he sent a letter to fourth respondent on 16.05.2003, requesting them to vacate the said premises. Pursuant to the same, the fourth respondent sent a reply stating the they are searching for some other alternative premises and they will vacate the petitioner's premises soon. Even after thirteen years, the fourth respondent has not vacated the said premises, now the building is in dilapidated condition and likely to collapse due to heavy rain. In such circumstances, he filed this Writ Petition.

3. The fourth respondent filed a counter affidavit, wherein it has been stated as follows:

"6.It is submitted that because of the geographical location and erection of special instruments for connectivity this respondent need one year time to vacate the building in order to get permission and erect special instruments (WAN) from BSNL Authorities. Hence we need time to get approval and sanctioned from the BSNL. Therefore, I am praying one year time to vacate the building, after filing of this writ petition, the respondent had requested PWD authority to allot any Government building or private buildings on contract. But the PWD authority had given a certificate that there is no building available at Kodaikanal."

4. In view of the undertaking given by the fourth respondent that they will vacate the premises of the petitioner, within a period of one year, the fourth respondent directed to vacate the premises on or before 31st December, 2017 and hand over the same to the petitioner.



With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar (AE)

/True copy/

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Sub Assistant Registrar

To

- 1.The Commissioner of Commercial Taxes,
Ezhilagam, Chepauk, Chennai - 600 005.
- 2.The Joint Commissioner of
Commercial Taxes, Dr.Thangaraj Salai,
C.T.Building, Madurai-20.
- 3.The Deputy Commissioner of
Commercial Taxes,
C.T.Building, Sub-Collector Office Road, Dindigul.
- 4.The Commercial Tax Officer,
4/142-B7-1,Turnerapuram 2nd Street,
Kodaikanal, Dindigul District.

+1 CC to Mr.T.UMA MAHESHWARI, Advocate, SR No.68753

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.69299

W.P(MD)No.19566 of 2016
15.11.2016

pm

SH/DB:07.12.2016:3P/7C