



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P(MD) No.4971 of 2011
and
M.P. (MD) No.1 of 2011

K.Vijaya

.. Petitioner

-vs-

1. The General Manager,
Konam Region,
TASMAC,
Konam,
Nagercoil - 629 002
Kanyakumari District.

2. The Shop Manager,
Shop No.4744
TASMAC,
No.36/210-A, Balamore Road,
Nagercoil - 629 001.

3.C.Bhagavathi Ammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to shift the running of their business in carrying on the IMFL Shop No.4744 at No.36/210-A, Balamore Road, Nagercoil - 629 001 to any other place after handing over the possession of the said property to the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.N.Subramanian
For Respondents : No Appearance for RR1 and 2
Mr.B.Brijesh Kishore for R3

ORDER

The petitioner filed this writ petition, to direct the respondents 1 and 2, to shift the TASMAC shop from the present premises at 36/210-A, Balamore Road at Nagercoil to any other place and handover the possession of the same to her.



2. Heard the learned counsel for the petitioner and the learned counsel for the third respondent.

3. The petitioner is claiming that she is entitled to the property bearing No.36/210-A, Balamore Road at Nagercoil on the basis of a settlement. The property was given on lease to TASMAC by the third respondent.

4. There is nothing on record to show that the petitioner is entitled to the property in question. Even, if she is entitled, her remedy is only to file a suit or Rent Control Proceeding before the concerned Court for surrender of premises. There is no question of invoking the writ jurisdiction for the purpose of directing the tenant to vacate the premises.

5. In the upshot, I dismiss the writ petition. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The General Manager,
Konam Region,
TASMAC,
Konam,
Nagercoil - 629 002
Kanyakumari District.

2. The Shop Manager,
Shop No.4744
TASMAC,
No.36/210-A, Balamore Road,
Nagercoil - 629 001.

+ 1 CC TO MR.B.BRIJESH KISHORE, ADVOCATE IN SR No. 48090

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TE/SKS-RR : 20/09/2016 : 2P/4C

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and
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