

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.7399 of 2017
and
W.M.P.No.8055 of 2017

T.Suresh Babu

...Petitioner

Versus

1. State of Tamil Nadu,
rep. By Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Manager,
Tamilnadu State Marketing Ltd.,
Tiruvellore District, Tiruvellore.
3. The General Manager (C.V.)
TASMAC Ltd.,
Head Office, Egmore,
Chennai - 600 002.
4. The Senior Zonal Manger,
TASMAC Ltd.,
Chennai - 600 018.
5. The District Manager/ Deputy Collector,
TASMAC Ltd.,
Tiruvellore (East) District,
No.1, Bangalore High Road,
Sembarabakkam,
Pin: 600 123.
6. The District Manager,
TASMAC Ltd.,
Thiruvallur (East).
7. The Manager,
TASMAC Shop No.8837,
42, Madhavaram High Road,
Moolakadai,
Chennai - 600 060.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 2 to 6 to pay the arrears of rent at the rate of Rs.10,000/- PM from 09.10.2013 to till date totaling to Rs.4,10,000/- and subsequent period for the TASMACH Shop No.8837 located at No.42, Mahdavam High road, Moolakadai, Chennai - 600 060.

For Petitioner : Mr.J.R.K.Bhavanantham

O R D E R

The petitioner seeks for a Mandamus directing the respondents 2 to 6 to pay the arrears of rent in respect of the premises let out by the petitioner for running a TASMACH Shop.

2. A perusal of the facts and circumstances of the case and the typed set of papers filed along with the writ petition would show that already the very same petitioner filed a suit in O.S.No.2546/2015 on the file of the City Civil Court, Madras, for recovery of arrears of rent to the tune of Rs.1,70,000/-, wherein a decree has been granted in favour of the petitioner on 14.11.2016 itself. When that being the factual position, I do not understand as to how the present writ petition is filed by the petitioner seeking the very same relief which was already granted by the Civil Court in the above said Suit. If at all, the defendant in the said suit has not come forward to pay the decretal amount, it is for the petitioner to work out his remedy for the execution of the decree in the manner known to law. Without doing so, filing of the present writ petition, is not maintainable. Accordingly, this writ petition is dismissed with liberty to the petitioner to work out his remedy before the competent Civil Court for executing the decree granted as stated supra. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Secretary,
Prohibition and Excise Department,
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+1cc to Mr.J.R.K.Bhavanantham, Advocate Sr.19155

W.P.No.7399 of 2017

pvs[col]
srg 11/4/2017