

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.6828 of 2017

T.R.Shanmugam

...Petitioner in person

Vs

1. The Registrar General,
High Court of Madras
Madras 600 104.

2. The Registrar of Administration,
High Court of Madras,
Madras-600 104.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned eviction order in Roc.No.5139-B/2017/D5 dated 20.02.2017, passed by the 2nd respondent and quash the same and consequently direct the respondents to claim the rent from the petitioner for actual measurement after measuring the Chamber No.480, New Addl. Law Chambers, High Court Buildings, Chennai.

For Petitioner : Mr.T.R.Shanmugam
Party in person

For Respondents : Mr.B.Vijay

ORDER

By consent, this writ petition is taken up for final disposal.

2.This writ petition has been filed by a practicing advocate of this Court, seeking to quash the impugned Eviction Order in Roc.No.5139-B/2017/D5 dated 20.02.2017, passed by the 2nd respondent and consequently direct the respondents to claim the rent from the petitioner for actual measurement after measuring the Chamber No.480, New Addl. Law Chambers, High Court Buildings, Chennai.

3.Heard both sides.

4.According to the petitioner in person, even though he was allotted Chamber No.480, New Additional Law Chambers, High Court Buildings, Chennai, he raised a dispute with regard to the measurement of the chamber. According to him, the chamber measurement is not 228.49 sq.ft but only 100 sq.ft. The second respondent herein had sent a notice dated 04.01.2016 to the petitioner to pay Rs.1,94,682/- towards arrears of rent as on 31.12.2016 for the chamber allotted to him. On receipt of the notice, the petitioner sent a representation to the 1st respondent requesting to measure the chamber. Subsequently, the second respondent issued an official memorandum dated 20.02.2017, to the petitioner to vacate and surrender possession of chamber within seven days from the date of receipt of the official memorandum, failing which, the chamber will be locked and sealed. The petitioner had sent several representations to the higher officials to measure the chamber and issue fresh claim notice. Since no orders have been passed, the petitioner is before this court with this writ petition.

5. Learned counsel appearing on behalf of the respondents would submit that, the writ petition itself is not maintainable, since subsequent action has been taken place and the chamber had been locked and sealed on 02.01.2017. The petitioner is a chronic defaulter. He had not paid any rent from 2005 to 2016 till the date of eviction. The question of measuring the chamber was never raised till the notice was issued to the petitioner. He innocuously made arrears from 2015 and only when notice was issued to pay the arrears of rent, he raised the issue of measurement of the chamber. Being an allottee to the chamber, he had to pay the arrears of rent and on his failure to do so, he only deserves to be vacated.

6.I have considered the rival submissions made by the learned counsel on either side and perused the materials on record.

7.The petitioner is a practicing advocate at this Bar, it is just and necessary for him to follow the rules and regulations of law. As an occupant of the chamber, he is expected to pay rent every month. According to the respondents, he is a chronic defaulter and had not chosen to pay rent from 2005 to 2017. Since he is the only person who is in occupation of the chamber, the question of measurement will not arise at all. Such question will arise, only if the chamber is allotted to one or more co-allotees. The petitioner has not raised this issue from 2005 to till 2015. The petitioner raised this issue relating to measurement of the chamber, only after the defaulters name was printed and notices were issued to pay the arrears of rent, as per the instructions of the Hon'ble The Then

Chief Justice. In such circumstances, I do not find any reason to interfere with the order passed by the second respondent, which is impugned in this writ petition. Accordingly, the petition is dismissed with a direction to the petitioner in person to pay a sum of Rs.1,000/- (Rupees One Thousand only) as costs to the Tamil Nadu State Legal Aid Services, Chennai within seven days from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rm

To

1. The Registrar General,
High Court of Madras
Madras 600 104.
2. The Registrar of Administration,
High Court of Madras,
Madras-600 104.
Chennai 600 116.

Copy to :-

The Member Secretary,
Tamil Nadu state Legal Service Authority
High Court, campus
Chennai-104.

+1cc to M/S.T.r. Shanmugam, Advocate Sr. 17339

NR II (CO)
VR(28/4/2017)

W.P.No.6828 of 2017

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