

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.NO.327 OF 2017

AND

WMP NO.363 OF 2017

K.P.R.Anandan

... Petitioner

Vs.

1. The Managing Director
TASMAC Limited
CMDA Building,
Thalaimuthu Natarajan Salai,
Egmore, Chennai - 600 008.
2. The District Manager
TASMAC Limited
Thiruvallur East District
Thirumalishi, Thiruvallur District.
3. The Senior Regional Manager
(Chennai Region)
TASMAC Limited
LLA Building, 735, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the respondents to de-seal the TASMAC shop situated at Door No.132/755, M.T.H. Road, Padi, Chennai - 600 050 owned by the petitioner and handover the vacant possession of the said shop to the petitioner so as to enable him to run and use the shop for the purpose of other than the TASMAC shop.

For Petitioner : Mr.T.Thilageswaran
for M/s.Waron and Sai Rams

For Respondents : Mr.C.Kasirajan
Standing Counsel for TASMAC

O R D E R

1. Issue notice. Mr.C.Kasirajan, learned counsel, accepts notice on behalf of the respondents.

2. With the consent of learned counsels for the parties, the writ petition is taken up for hearing and final disposal.

3. Though the prayer made in the writ petition is that the respondents de-seal the subject TASMAC shop owned by the petitioner and hand over vacant possession of the same, learned counsel for the petitioner restricts the prayer to disposal of various representations made in that behalf, from time to time, to the respondents.

4. The record shows that the petitioner apparently made representations to the respondents on 06.01.2015, 22.06.2016, 08.08.2016 and 31.10.2016. I must also record that upon the petitioner's counsel being queried whether the subject TASMAC shop was let out for the last time to, one, Mr.M.B.Rajan vide rental agreement dated 29.12.2014, he did not dispute the said fact.

4.1. A perusal of the rental agreement shows that the rent fixed qua the subject TASMAC shop was Rs.50,000/- and the tenure of the lease, which commenced on 29.12.2014, was to come to an end on 28.11.2015. Furthermore, I am informed by the counsel for the petitioner that proceedings have been initiated by the petitioner, against Mr.M.B.Rajan, before the District Munsif, Ambattur.

5. Having regard to the aforesaid facts and circumstances, the writ petition is disposed of, with a direction to the second respondent, to consider the representations of the petitioner, and thereupon, after granting a personal hearing to him, pass a speaking order. It is made clear that before disposing of the representations of the petitioner, notice shall also be issued to Mr.M.B.Rajan, who shall also be given an opportunity of hearing, as has been directed in the case of the petitioner.

6. Consequently, connected miscellaneous petitions are also closed.

7. The Registry will despatch a copy of the order, passed today, to Mr.M.B.Rajan, who, as per the rental agreement dated 29.12.2014, appears to be residing at No.44/41, School Street, Chetpet, Chennai - 031.

8. There shall, however, be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Managing Director
TASMAC Limited
CMDA Building,
Thalaimuthu Natarajan Salai,
Egmore, Chennai - 600 008.
2. The District Manager
TASMAC Limited
Thiruvallur East District
Thirumalishi, Thiruvallur District.
3. The Senior Regional Manager
(Chennai Region)
TASMAC Limited
LLA Building, 735, Anna Salai,
Chennai - 600 002.
4. Mr.M.B.Rajan,
No.44/41, School Street,
Chetpet, Chennai - 600 031.

+1cc to Mr.C.Kasirajan, Advocate, S.R.No.1346

+2cc's to M/s.Waron and Sai Rams, Advocate,
S.R.No.1384 (03.02.2017)

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W.P.NO.327 OF 2017

PA(CO)
CA(31/01/2017)