

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.15375 of 2017

and

W.M.P.Nos.16691, 17687 and 18548 of 2017

N.P.Abdul Hakkeem

.. Petitioner

Vs.

1. The Divisional Revenue Officer/Zonal Officer-I,
Revenue Department,
Zone-V, Greater Chennai Corporation,
Rippon Buildings, Chennai.
2. The Assistant Revenue Officer,
Revenue Division No.5,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai-600 021.
3. Mr.M.A.Naina Mohamed
4. Mrs.M.S.Jenneth Habeeba

(Respondents 3 and 4 impleaded as per
order dated 26.07.2017 passed in

W.M.P.No.20272 of 2017 in W.P.No.15375 of 2017) .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the proceedings of the letter dated 27.04.2017 bearing No.Ma.Aa.5 Va.Thu.Na.Ka.En.R1/2976/2017 on the file of the second respondent and the consequential order of the first respondent in Order No.6960 dated 10.05.2017 and to quash the same as illegal and without jurisdiction, and to further direct the respondents to grant a trade license to the petitioner without insisting on a No Objection Certificate and property tax documents.

For petitioner : Mr.B.Venugopal

For respondents : Mr.R.Arun Mozhi for RR-1 and 2
Mr.M.M.Abdul Razack for RR-3 and 4

ORDER

When the Writ Petition is taken up for hearing, learned counsel for the petitioner filed an undertaking affidavit of the petitioner, dated 31.08.2017, stating that the petitioner is ready and willing to vacate and deliver the vacant possession of the schedule shop premises to the respondents 3 and 4 on or before 31.08.2018 and he is also willing to pay the rent at the rate of Rs.11,000/- per month which is already being paid. According to the learned counsel for the petitioner, the rent was increased nine months back. When the Writ Petition came up for hearing on 30.08.2017, this Court suggested that the rent should be at the rate of Rs.15,000/- per month and time would be granted till 31.03.2018 for vacating the premises in question. In the said undertaking affidavit, the petitioner referred to the rent that is being paid at the rate of Rs.11,000/- and that he has not mentioned about the enhanced rent as suggested by this Court. Learned counsel for the third respondent submitted that the petitioner has not referred the said amount of rent at Rs.15,000/- being the rent as suggested by this Court, in the said undertaking affidavit. At this stage, learned counsel for the petitioner submitted that the premises is under lock and seal now and there is no business carried on and the reasonable increase of rent is suggested by this Court and he is willing to advise his client (writ petitioner) to pay the said amount per month as rent.

2. Taking note of the submissions made on either side, the petitioner is directed to pay the revised/enhanced rent of Rs.12,500/- (Rupees twelve thousand and five hundred only) from August 2017 and shall pay the arrears of rent, if any, at the rate of Rs.11,000/- per month, within four weeks from the date of receipt of a copy of this order, by way of DD / Pay Order in the name of the third/fourth respondents or to credit the arrears of rent through net banking through RTGS to the third/fourth respondent's bank account to be furnished by the third/fourth respondents. Non-payment of the amount due, if any, within the time stipulated, would amount to wilful and deliberate disobedience of the order of this Court. The time sought for by the petitioner to vacate and hand over the vacant possession as sought for by the petitioner upto 31.08.2018, cannot be granted, as the licence is only for a period of one year commencing from 01.04.2017 till the end of 31.03.2018, and hence, the time granted to the petitioner is extended till

31.03.2018 to vacate the premises and hand over the vacant possession to the respondents 3 and 4.

3. This Court makes it clear that the premises in question shall be deemed to have been vacated on 31.03.2018 and on 01.04.2018, it is open for the respondents 3 and 4 to enter into the premises and the petitioner shall not be allowed to contend that the belongings in the property have not been removed from the premises and the property has been damaged. On and from 31.03.2018, it is deemed that the petitioner has vacated the premises with his belongings. Filing of any petition for extension of time or non-listing of that petition for hearing, cannot be a ground to continue in the premises with effect from 01.04.2018. Necessary Police protection shall be given to the respondents 3 and 4 and the respondents 1 and 2/Corporation of Chennai, shall request for the said Police protection to enable the respondents 3 and 4 to enter into the premises on 01.04.2018. The respondents 1 and 2/Corporation of Chennai are directed to permit the petitioner to run the business till 31.03.2018 after opening the lock and seal, without insisting on the No Objection Certificate from the third and fourth respondents. Since this Court ordered for opening the lock and seal, no further orders are required to be passed in W.M.P.Nos.18548 and 17687 of 2017, which are accordingly closed. It is further made clear that the licence shall not be extended by the respondents 1 and 2/Corporation of Chennai for the petitioner to run his business in the present premises after 01.04.2018.

4. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P.Nos.16691 of 2017 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cs

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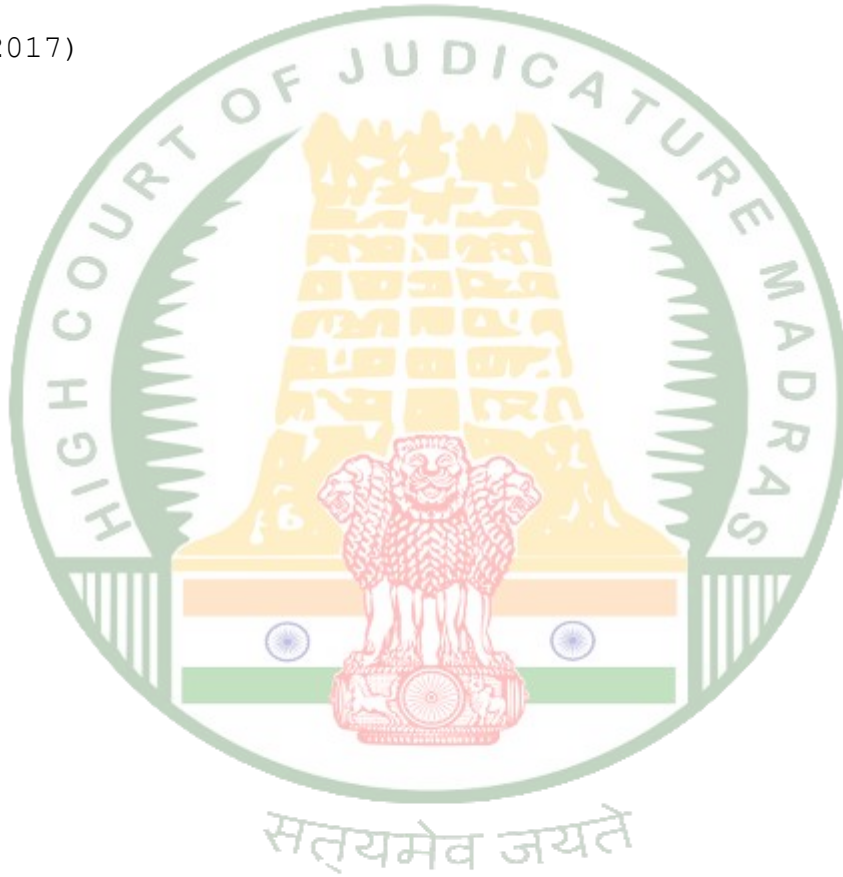
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+1cc to Mr.R.Arunmozhi, Advocate, S.R.No.63300
+1cc to Mr.M.M.Abdul razack , Advocate, S.R.No.63182
+3cc to Mr.Malinin George, Advocate S.R.No.63180

W.P.No.15375 of 2017

GN(05/09/2017)



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