

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.5507 of 2017

M.Kumar,
Proprietor M/s. M.K.Enterprises
Old No.63, New No.36,
Mir Bakshi Ali Street,
Royapettah,
Chennai - 600 014.

.. Petitioner

vs.

1. The Commissioner,
HR & CE,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner/ Executive Officer,
Arulmigu Kabalishwarar Temple,
Mylapore,
Chennai - 600 004.

3. Jeeven Press
represented by its Manager M.Gopal,
No.163, Big Street,
Triplicane,
Chennai - 600 005.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent herein to consider the petitioner's representation dated 02.01.2017 and to permit the petitioner herein to take his machineries locked up in the premises bearing No.163, Big Street, Triplicane, Chennai - 600 005 set out hereunder.

List of Machineries

(a) One unit of paper cutting machine size :
42 inches with programme with all standard
accessories.

(b) One unit of Akiyama single colour offset printing machine size : 38 x 40 with all standard accessories.

(c) One unit of perfect binding machine with all standard accessories.

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For Petitioner : Mr.K.Sivasubramanian

For Respondents : Mr.M.Maharaja,
Special Government Pleader (HR&CE) for R1.
Mr.A.K.Sriram for R2
Mr.K.A.Mariappan for R3

O R D E R

The petitioner seeks for a mandamus directing the first respondent to consider his representation dated 02.01.2017 wherein and whereby he sought permission to remove the machineries locked up in the premises of the third respondent bearing No.163, Big Street, Triplicane, Chennai - 600 005.

2. Heard the learned counsel for the petitioner, Mr.M.Maharaja, learned Special Government Pleader (HR&CE) appearing for the first respondent, Mr.A.K.Sriram, learned counsel appearing for the second respondent and Mr.K.A.Mariappan, learned counsel appearing for the third respondent.

3. Admittedly the third respondent is a tenant under the second respondent Temple. It is seen that there is a claim by the second respondent Temple against the third respondent tenant for payment of arrears of rent to the tune of Rs.34 lakhs. Now, the petitioner contends before this Court that he has stored some machineries at the third respondent premises with the consent of the third respondent because of some space constraint in his own place and therefore, the petitioner must be permitted to remove those machineries from the third respondent's premises, which is under lock and key due to the dispute that has arisen out of non-payment of arrears of rent by the third respondent to the second respondent. Ventilating such grievance, the petitioner has made such representation before the first respondent on 02.01.2017.

4. This Court, at this stage, is not expressing any view on the merits of the contention raised by the petitioner as it is for the first respondent to consider and decide.

5. Learned counsel for the first respondent submitted that the representation of the petitioner will be considered and orders will be passed on its own merits and in accordance with law.

6. Accordingly, this writ petition is disposed of without expressing any view on the merits of the matter only with a direction to the first respondent to consider and pass orders on the representation of the petitioner on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order, after hearing all the parties concerned. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Commissioner,
HR & CE, Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner/ Executive Officer,
Arulmigu Kabalishwarar Temple,
Mylapore, Chennai - 600 004.

+lcc to Mr.K.Sivasubramanian, Advocate, S.R.No.8812
+lcc to Mr.A.S.Kailasam & Associates, Advocate, S.R.No.9083
+lcc to the Government Pleader, S.R.No.9506

सत्यमेव जयते

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CS/08/02/18

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