

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
W.P.No.33167 of 2017
and W.M.P.No.36571 of 2017

S.Subaith Bawa

.. Petitioner

Vs

- 1.The Commissioner of HR & CE,
Nungambakkam High Road,
Chennai 600 034.
 - 2.The Joint Commissioner,
HR & CE Administration Department,
Chennai 600 034.
 - 3.The Executive Officer,
(Deputy Commissioner of HR & CE),
Arulmighu Kapaleeswarar Devasthanam,
Mylapore, Chennai 600 004.
- .. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents 1 and 2 to remove the seals put on the shop premises by the 3rd respondent in the building at Old No.43, New No.81, R.K.Mutt Road, Mylapore, Chennai 600 004.

For Petitioner : Mr.M.K.Subramanian for
Mr.K.Sukumaran

For Respondents : Mr.M.Maharaja, SGP (HR & CE)

O R D E R

The prayer made in this writ petition is to issue a mandamus directing the respondents 1 and 2 to remove the seal put on the shop premises by the 3rd respondent in the building at Old No.43, New No.81, R.K.Mutt Road, Mylapore, Chennai 600 004.

2.According to the petitioner, on 13.09.2017, the third respondent with the help of the police officials, sealed the shop in question for want of payment of arrears of enhanced rent by its owner, without any notice

or prior intimation. Hence, the petitioner, being an innocent occupant of the shop, has filed this writ petition for the aforesaid relief.

3.Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents fairly submitted that the petitioner may be permitted to take away the goods lying in the shop in question and hand over the vacant possession, subject to payment of a reasonable amount, for which, the learned counsel for the petitioner has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the petitioner is directed to pay a sum of Rs.50,000/- to the third respondent and on such payment, he shall take away the goods lying in the shop in question and hand over the vacant possession forthwith.

5.Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of HR & CE,
Nungambakkam High Road,
Chennai 600 034.
 - 2.The Joint Commissioner,
HR & CE Administration Department,
Chennai 600 034.
 - 3.The Executive Officer,
(Deputy Commissioner of HR & CE),
Arulmighu Kapaleeswarar Devasthanam,
Mylapore, Chennai 600 004.
- +1 C.C. to Mr.K.Sukumaran Advocate SR.NO. 58774
+1 cc to Special Government Pleader SR.NO. 58532

W.P.No.33167 of 2017

ASK(31/08/2018)