

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.294 of 2018
and
W.M.P.No.351 of 2018

S.K.ElumalaiPetitioner

Versus

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai - 600 003.

2.The Assistant Revenue Officer,
Zone-15, Division -197,
Greater Chennai Corporation,
No.120, Rajiv Gandhi Salai (OMR),
Sozhinganallur, Chennai - 600 119.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, to call for the records of the second respondent pertaining to the notice dated 20.12.2017 bearing Ma.A.15 Va.Thu.Na.Ka.No.Aar1/Special/2017 and quash the same.

For Petitioner : Mr.R.Balachanderan

For Respondents : Mr.T.C.Gopalakrishnan
Standing counsel

ORDER

This writ petition has been filed challenging the payment of arrears of rent and in event of non payment of arrears to bring the shops for public auction.

2. Heard Mr.R.Balachanderan, learned counsel appearing for the petitioner and Mr.T.C.Gopalakrishnan, learned Standing counsel appearing for the respondents and perused the material documents available on records.

3. It is submitted that the second respondent has issued a impugned order, demanding arrears of rent for a sum of Rs.95,268/- on or before 21.11.2017. Since the petitioner failed to pay the amount, the shop was closed and sealed by the respondents.

4. When the writ petition was taken up for hearing on 12.01.2018, the learned counsel for the petitioner submitted that the petitioner was ready to pay the entire arrears in two installments and as per his undertaking, he was permitted to pay a sum of Rs.45,000/- and on such compliance, the respondent was directed to remove the lock and seal. It is further submitted that as per the earlier order dated 12.01.2018, the petitioner paid Rs.45,000/- and the respondents have removed the lock and seal.

5. It is further stated that the learned counsel for the petitioner brought a Demand Draft No.524843, dated 06.02.2018, in the name of the second respondent for a sum of Rs.50,000/- (Rupees Fifty Thousand only) and he undertakes to pay the amount immediately to the respondents.

6. The learned Standing Counsel appearing for the respondents submitted that if the entire arrears amount and future rent is paid by the petitioner, the respondents will not take any action against the petitioner.

7. In the light of the above facts, this Court is of the opinion, that no further adjudication is necessary and recording the submissions of the learned Standing counsel for the respondents, this writ petition disposed of. It is made clear that if the petitioner fails to pay the rents, the respondents shall take action against the petitioner in the manner known to law. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

ms

+1cc to Mr.R.Balachandran, Advocate SR.No.9636

+1cc to Mr.T.C.Gopalakrishnan, Advocate SR.No.9598

W.P.No.294 of 2018

GN (23/02/2018)