

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33276 of 2007

And

M.P.No.1 of 2007

HMT Watches Ltd.,
Watch Marketing Division,
Rep. by its Manager - Personnel ... Petitioner

Vs.

- 1.LIC of India,
Southern Zonal Office, LIC Building,
102, Anna Salai, Chennai - 600 002.
- 2.Office of the Estate Officer,
Under the Public Premises (Eviction of
Unauthorised) Occupants Act, 1971
5th Floor, LIC Building,
102, Anna Salai, Chennai - 600 002.
- 3.The Principal District Judge,
Coimbatore Division,
Coimbatore. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the 2nd respondent made in Petition No.12 of 2005 dated 09.01.2006 and confirmed by the 3rd respondent by the order dated 10.08.2007 made in CMA No.8 of 2006 and quash the same.

For Petitioner : Mr.V.Kalyanaraman
For Respondents : Mr.A.Panneerchelvam for R1

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the order of the second respondent made in Petition No.12 of 2005 dated 09.01.2006 and confirmed by the third respondent by the order dated 10.08.2007 made in C.M.A. No.8 of 2006 and to quash the same.

2.It is the case of the petitioner that the petitioner is a tenant under the first respondent in respect of the property measuring 2854.14 sq.ft. in the ground floor on the building known as United India Building, 7/291, Avinashi Road, Coimbatore - 18. Initially, the rent was fixed at Rs.11,416/- per month. Thereafter, for the period from 16.02.1996 to 15.02.2001, it was fixed at Rs.14,842/- per month. As per the agreement, if any dispute or difference of opinion arise between the parties, it should be resolved amicably by mutual consultation or it shall be referred to arbitration in terms of the Office Memorandum No.55/3/1/75/CF dated 19.12.1975 (Department of Cabinet Affairs).

3.It is the further case of the petitioner that the first respondent demanded 40% increase in rent with effect from 16.03.2002 and since the petitioner did not accept for the same, vide communication dated 05.09.2002, informed the petitioner that occupation of the premises was unauthorised under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and demanded the petitioner to vacate the premises. Further, the first respondent vide communication dated 31.01.2005 terminated the tenancy.

4.It is the further case of the petitioner that the first respondent preferred petition in Petition No.12 of 2005 before the Estate Officer/ second respondent and the Estate Officer issued notice dated 15.11.2005 to the petitioner under Sub Section 1 Clause b (ii) of the Public Premises Act (Eviction of Unauthorised Occupants) Act, 1971. Though the petitioner submitted a detailed objection for the same, the second respondent came to the conclusion that the occupation of the premises by the petitioner is unauthorised merely on the ground that there is no existing lease agreement between the parties and the rent paid by the petitioner is abysmally low.

5.It is the further case of the petitioner that aggrieved by the same, the petitioner filed appeal before the learned Principal District and Sessions Judge, Coimbatore in C.M.A. No.8 of 2006, however the said appeal was rejected on 10.08.2007. Hence, the petitioner has filed this petition.

6.The learned counsel appearing for the first respondent submits that during the pendancy of the writ petition, the petitioner vacated the premises and handed over the possession to the respondent.

7.In view of the above, nothing survives for adjudication in this writ petition. The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

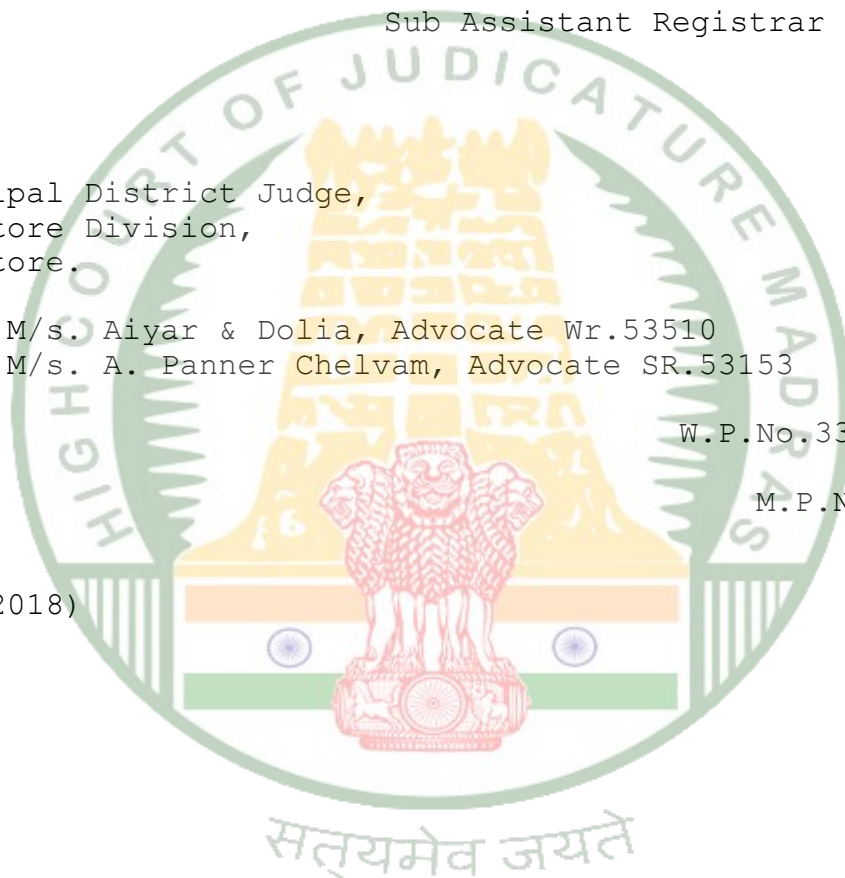
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To

The Principal District Judge,
Coimbatore Division,
Coimbatore.

+ 1 cc to M/s. Aiyar & Dolia, Advocate Wr.53510
+ 1 cc to M/s. A. Panner Chelvam, Advocate SR.53153

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RSI (CO)
EU (04/09/2018)



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