

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.18590 of 2018

E.Gubendran

... Petitioner

-vs-

1. The Commissioner of Police
Greater Chennai- Police
Vepery
Chennai- 600 007

2.The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai - 600 003

3.The Managing Director
TASMAC
Egmore
Chennai - 600 008

4.The Manager
Tamil Nadu TASMAC Sales Section
B-4, Ambattur Industrial Estate
Ambattur
Chennai- 600 053

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the second respondent to vacate the TASMAC Shop No.954 situated in No.26, 2nd Cross Street, Kasthuribai Nagar, Chennai - 600 020.

For petitioner : Mr.M.Karthik

For Respondent : Mr.R.P.Prathap Singh
Government Advocate for R1

Mr.T.C.Gopalakrishnan for R2
Mr.P.Arumugha Rajan R3 & R4

O R D E R

Heard Mr.M.Karthik, learned counsel for the petitioner, Mr.R.P.Prathap Singh, learned Government Advocate for the first respondent, Mr.T.C.Gopalakrishnan, learned counsel for the second respondent and Mr.P.Arumugha Rajan, learned counsel for respondents 3 and 4.

2.The petitioner seeks for a direction upon the second respondent to vacate TASMAC Shop No.954, which has been located in the premises owned by the petitioner. Admittedly, the lease has not been extended in favour of the respondent TASMAC, but there were proceedings before the Rent Controller in R.C.O.P.No.2165 of 2006, which ended in a consent decree and the respondent TASMAC agreed to vacate the premises on or before 31.01.2010. Though such a consent order was passed, till date the same has not been complied with. The residents of the locality have raises objections and also submitted a representation to respondents 1 and 2. Till date no action has been initiated.

3.The respondent TASMAC cannot take a stand that the petitioner should be directed to file an Execution Petition to execute the decree in R.C.O.P.No.2165 of 2006. This is so for more than one reason. Firstly, it is a compromise decree where the respondent TASMAC agreed to vacate on or before 31.01.2010. Secondly, the tenant is a State owned Corporation and therefore, they should not only be a model employer, but also a model tenant and they cannot hold the citizen to ransom by stating that they though agreed to vacate, they will not do so. Therefore, respondents 3 and 4 having been bound over by the decree passed by the Rent Control Court, the decree should be complied with in its letter and spirit and not drag the petitioner from pillar to post.

For the above reasons, the writ petition is allowed and respondents 3 and 4 are directed to vacate and handover vacant possession of the Shop No.954 situated in No.26, 2nd Cross Street, Kasthuribai Nagar, Chennai- 600 020 on or before 08.09.2018. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Commissioner of Police
Greater Chennai- Police
Vepery
Chennai- 600 007

2.The Commissioner
Greater Chennai Corporation
Rippon Buildings
Chennai - 600 003

3.The Managing Director
TASMAC
Egmore
Chennai - 600 008

4.The Manager
Tamil Nadu TASMAC Sales Section
B-4, Ambattur Industrial Estate
Ambattur
Chennai- 600 053.

+1cc to Mr.Karthik, Advocate Sr.54132

+1cc to Mr.T.C.Gopalakrishnan, Advocate Sr.52698

+1cc to Mr.P.Arumugarajan, Advocate Sr.52763

+1cc to the Government Pleader Sr.53239

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srg 7/8/2018

सत्यमेव जयते

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