

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.21286 of 2018

and

WMP.No.24952 of 2018

Mr.R.Nageswaran

... Petitioner

vs.

1.The TASMAL Ltd.,
Rep. by Managing Director
Tower II, 4th Floor, Thalamuthu Building
Opp. Egmore Railway Station
Chennai-600 008.

2.The Senior Regional Manager
TASMAL Ltd.,
No.180, Anna Nagar
Madurai - 625 028.

3.The District Manager
TASMAL Ltd.,
Pazhamalai Nagar,
Tondi Road, Sivagangai - 640 561.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to consider the representation of the petitioner dated 16.08.2018 and consequently, to renew the lease for the premises at "TASCO Country Liquor Blending Unit, Karaikudi, situated in Survey No.95 of Amarvathi Pudur Village in Karaikudi Taluk, Sivagangai District, Karaikudi Joint 2 Sub District and Karaikudi Registration District to an extent of 8368 sq.mt with compound wall on all four sides" till 2021.

For Petitioner : Mr.G.Mohanakrishnan
For Respondents : Mr.John Kennedy
Standing Counsel

O R D E R

Mr.John Kennedy, learned standing counsel takes notice for the respondents. By consent of the parties, the main writ

petition itself is taken up for final disposal at the admission stage.

2. Heard Mr.G.Mohanakrishnan, learned counsel for the petitioner and Mr.John Kennedy, learned standing counsel for the respondents.

3. The petitioner seeks for a direction to the respondents to consider his representation dated 16.08.2018, wherein and whereby, he sought for extension of lease of the premises let out by the TASMAAC Ltd., to the petitioner for running a Soda factory. The grievance of the petitioner before this Court is that when the application filed by the petitioner seeking extension of lease is pending, coercive and forceful steps are being taken by the respondents to evict the petitioner from the premises.

4. Whether the petitioner is entitled to get renewal of the lease or not, is purely a question, which has to be considered and decided only by the land lord, the TASMAAC Ltd., herein and therefore, this Court is not expressing any view on the merits of the claim made by the petitioner seeking extension of lease.

5. However, as the learned standing counsel for the respondents submitted that the said representation will be considered and the orders will be passed on merits and in accordance with law within a short period, this writ petition is disposed of as follows:

(a) The first respondent shall consider the representation of the petitioner dated 16.08.2018 and pass orders on the same on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

(b) Till an order is passed by the first respondent, the respondents shall not take any coercive steps against the petitioner.

(c) It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioner and that the order passed in this writ petition directing the first respondent to dispose of the representation of the petitioner dated 16.08.2018, shall not be construed in any manner to mean as though this Court has accepted the contention raised by the petitioner in the affidavit filed in support of the writ petition.

(d) After an order is passed by the first respondent, the parties are entitled to work

out such order accordingly, in the manner
known to law.
No costs. Consequently, connected miscellaneous petition is
closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mk

To

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+1cc to Mr.G.Mohankrishnan, Advocate, S.R.No.56616
+1cc to Mr.M.John Kennedy, Advocate, S.R.No.56705

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KAN (CO)
GSP (20/08/2018)

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