

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.1707 of 2019

KSK.Udhaya Kumar

... Petitioner

Vs.

1.The Commissioner,
Attur Municipality,
Municipality Office,
Attur - 636 102, Salem District.

2.N.Padmavathy

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the 1st respondent to temporarily remove the lock and seal bearing Door No.0/16 situated at Old Pattai Bazaar Street, Attur Taluk, Salem District and permit the petitioner to vacate along with the goods which belongs to the petitioner from the shop in Door No.0/16 admeasure 80 sq. ft. situated at Old Pattai Bazaar Street, Attur Taluk, Salem District based on the petitioner's representation dated 01.11.2018 and reminder representation dated 05.12.2018.

For Petitioner : Mr.A.Rajakumar

For Respondents: Mr.A.S.Thambusamy
for respondent No.1

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 1st respondent to temporarily remove the lock and seal in Door No.0/16 situated at Old Pattai Bazaar Street, Attur Taluk, Salem District and permit the petitioner to vacate the premises.

2. It is the case of the petitioner that the 1st respondent locked and sealed the premises which was leased out to him under

a Rental Agreement dated 28.01.2018. Further, the petitioner stated that he was running a shop doing jewellery business and has stored gold and silver ornaments, jewellery materials, showcase, chair, table, etc in the premises which has been locked and sealed. Further, the petitioner has prayed that the 1st respondent may be directed to temporarily remove the seal enabling him to remove his movable items from the said premises.

3. The learned counsel appearing for the 1st respondent stated that the petitioner may be permitted to remove the movables from the premises on 30.01.2019 between 10.00 am and 05.00 pm.

4. In view of the statement made by the learned counsel for the 1st respondent, we direct the 1st respondent to temporarily deseal and unlock the premises on 30.01.2019 between 10.00 am and 05.00 pm enabling the petitioner to remove all his belongings from the premises and the petitioner is permitted to remove all his belongings from the above mentioned premises during the said time. After removing the movables from the premises, the 1st respondent is directed to lock and seal the premises immediately.

5. With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

The Commissioner,
Attur Municipality,
Municipality Office,
Attur - 636 102,
Salem District.

+1cc to Mr.A.Raja Kumar, Advocate, S.R.No. 5807

W.P.No.1707 of 2019

GN(25/01/2019)