

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN  
Writ Petition No.9411 of 2019

M.Sambath

...Petitioner

Vs

- 1.The Commissioner.  
Corporation of Chennai,  
Rippon Building,  
Chennai-600 003.
- 2.The Deputy Commissioner,  
Corporation of Chennai,  
Rippon Building,  
Chennai-600 003.
- 3.The District Revenue Officer,  
Department of Land and Ownership,  
Corporation of Chennai,  
Chennai-600 003.
- 4.The zonal Officer,  
Zone-9, Lake Area,  
Nungambakkam,  
Chennai-600 034.
- 5.The Inspector of Police,  
E-3, Police Station,  
Teynampet,  
Chennai-600 018.
- 6.Rajendran @ Silk Rajendran  
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 to vacate the trespasser-respondent-6 from petitioner's shop at No.12, M.A.Garden Shopping Complex, Ground Floor, Ward No.118, Zone-9, Teynampet, Chennai-600 018 and hand-over the same to the petitioner.

For petitioner : Mr.K.Anbarasan  
For Respondents : Mrs.Karthika Ashok for R1 to R4  
: Mr.N.Inbanathan  
Addl. Govt. Pleader for R5  
: Mr.V.S.Mannarswamy for R6

## O R D E R

Heard learned counsel for the petitioner and learned Standing counsel appearing for the respondents 1 to 4/Corporation and learned Additional Government Pleader appearing for the 5<sup>th</sup> respondent and the learned counsel appearing for the 6<sup>th</sup> respondent.

2. When the matter came up for arguments, earlier this Court found that the 6<sup>th</sup> respondent, who was the erstwhile tenant of the Corporation, defaulted paying the rent, which has prompted the Corporation to auction the premises in which the petitioner herein was a successful bidder. However, after handing over the possession from the 6<sup>th</sup> respondent to the petitioner, there is some dispute between the erstwhile tenant and the petitioner herein, which has led to give a police complaint. The 5<sup>th</sup> respondent-Inspector of Police has settled the dispute between the petitioner and the 6<sup>th</sup> respondent. The possession allotted have been given to the 6<sup>th</sup> respondent, after payment of some money. The 6<sup>th</sup> respondent thereafter had occupied the premises and paying the rent in the name of the petitioner.

3. After lapse of three years, the petitioner herein has filed a writ petition alleging that the 6<sup>th</sup> respondent/erstwhile tenant has not vacated the premises and the 1<sup>st</sup> respondent-Corporation, who is the owner of the premises, has not handed over the vacant possession to him.

4. In the said circumstances, this Court passed an interim order and directed the 1<sup>st</sup> respondent to take possession of the premises. Accordingly, the premises was taken possession by the 1<sup>st</sup> respondent and presently it is under lock and seal.

5. The contention of the petitioner is that, he was the successful bidder in the auction, which took place on 29.10.2013. He has paid a sum of Rs.69,552/- as deposit but, the 6<sup>th</sup> respondent still occupying the premise and

carrying on business in the premises paying the rent in the name of the petitioner.

6. According to the 6<sup>th</sup> respondent, the petitioner has allowed him to occupy the premises after collecting the money he deposited in the Corporation and additional sum of Rs.1,00,000/- as pagadi. This averment is disputed and denied by the petitioner herein.

7. In any events, it is clear from the averments of the petitioner as well as the counter affidavit of the respondents 1 to 4 that the public premises owned by the 1<sup>st</sup> respondent has been occupied illegally by the 6<sup>th</sup> respondent, who has defaulted rent to the 1<sup>st</sup> respondent. Now, the premises has been taken possession by the 1<sup>st</sup> respondent. It is for the 1<sup>st</sup> respondent to put the premises for public auction call for bidders and lease the premises to the highest bidder. The 1<sup>st</sup> respondent shall allow all persons including the petitioner as well as the 6<sup>th</sup> respondent to participate in the tender if they are eligible to participate. The tender process to be completed within a period of three months from today. The deposit received by the 1<sup>st</sup> respondent from the petitioner shall be returned within a period of three months from today with interest at 9% per annum.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Commissioner.  
Corporation of Chennai,  
Rippon Building,  
Chennai-600 003.

2.The Deputy Commissioner,  
Corporation of Chennai,  
Rippon Building,  
Chennai-600 003.

3.The District Revenue Officer,  
Department of Land and Ownership,  
Corporation of Chennai,  
Chennai-600 003.

4.The zonal Officer,  
Zone-9, Lake Area,  
Nungambakkam,  
Chennai-600 034.

5.The Inspector of Police,  
E-3, Police Station,  
Teynampet,  
Chennai-600 018.

+1 cc to Government Pleader Sr.No. 67134

+1cc to Mr.A.Kavitha Ashok , Advocate SR.No. 66695

+1cc to Mr.V.S.Mannarswamy , Advocate SR.No. 66964

Writ Petition No.9411 of 2019

A.SK(22/08/2019)