

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	23.05.2019
PRONOUNCED ON	28.05.2019

CORAM:

THE HON'BLE MR.JUSTICE RMT. TEEKAA RAMAN

W.P.No.11254 of 2019

R.Chandramohan

..Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai
Chennai - 600 003
2. The Regional Deputy Commissioner,
(Central), Zone - VIII, Corporation of Chennai,
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 600 030
3. Zonal Officer, Zone - VIII,
Corporation of Chennai,
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 600 030
4. The Revenue Officer,
Zone - VIII, Corporation of Chennai
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 600 030
5. Mr.ThaiKa Ahmed Nubail Hood Obrahim,
[R5 impleaded vide order dated 26.04.2019
made in W.M.P.No.12032 of 2019 in
W.P.No.11254 of 2019 by DKKJ]

...Respondents

Prayer: Writ Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioner to remove the colour xerox machines with accessories from the shops bearing Nos.1,6,7 and 12A and 226, Purasavakkam High Road, Chennai 7.

For Petitioner : Mr.Elephant G.Rajendran

For Respondents: Mr.V.C.Selvasekaran R1 to R4
Senior Counsel

O R D E R

The petitioner has filed the present Writ Petition seeking a Writ of Mandamus by directing the respondents to permit the petitioner to remove the colour xerox machines with accessories from the shops bearing Nos.1,6,7 and 12A and 226, Purasavakkam High Road, Chennai 7.

2. Mr.Elephant G.Rajendran, learned counsel for the petitioner would contend that the petitioner is a tenant under 5th Respondent and the Rent Control Proceedings between the landlord and the tenant is pending in R.C.O.P.Nos.1652 to 1654 of 2016 before the learned XI Small Causes Court, Chennai. In the meanwhile, the Respondents 1 to 4 / Corporation have sealed the building for certain violation of building Rules and the petitioner made an application before the Corporation to remove the seal and to take the articles placed by him, who is a tenant in the said 5th respondent's premises. The respondents 1 to 4 are insisting upon the no objection certificate from the landlord/5th respondent and when the petitioner approached the landlord, he has refused to budge his request to remove his belongings.

3. The learned counsel for the petitioner would further contend that in view of the sealing of the building by the Corporation, the petitioner's valuable colour xerox Machine is getting deteriorated by nature wear and tear. He has also filed a detailed invoice issued by the KMI Business Technologies Pvt., Ltd., Ground Floor and First Floor, Plot No.3068, Block - Y, 14th Main Road, Anna Nagar, Shanti Colony, Chennai - 600 040 to the Star Xeroxs Pvt., Ltd., Purassiwakkam indicating the purchase of the said xerox machine, which is said to have been inside the 5th Respondent's premises by the petitioner herein.

4. Admittedly, the owner of the building was impleaded as 5th Respondent and private notice was also effected on the 5th respondent. The affidavit of service is filed, name of the building owner, namely, 5th Respondent is printed in the cause list, none appears on behalf of him.

5. Taking into consideration of the narrow factual position of the case, in the interest of justice and without prejudice to the pending Rent Control Proceedings as stated supra, the respondents 1 to 4 / Corporation are hereby directed to remove the seal of the building on 06.06.2019 between 10.00 a.m. and 12.00 noon only and the petitioner herein is permitted to take the articles, owned by him. The list of articles, which is to be removed by the petitioner shall be given to the respondents 1 to 4 / Corporation officials in the presence of the Advocate Commissioner, viz., Yogendran, Advocate [Enrollment

No.3094/2010] Madras High Court Buildings, 1st Floor, Chennai - 104. The said advocate commissioner shall ensure the list of articles removed from the building and file the same as a report in this case before the Registry within one week from the date of receipt of copy of this order. After removal of the articles, the respondents / Corporation, can reseal the premises and the same is without prejudice to the legal proceedings including the Rent Control Proceedings, as stated supra and any other proceedings pending at the instance of the landlord. The remuneration of the Advocate Commissioner is fixed at Rs.3,000/- [Rupees Three Thousand only] and the costs of remuneration to be given by the petitioner.

6. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.
ssd

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai
Chennai - 600 003
2. The Regional Deputy Commissioner,
(Central), Zone - VIII, Corporation of Chennai,
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 600 030
3. The Zonal Officer, Zone - VIII,
Corporation of Chennai,
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 600 030
4. The Revenue Officer,
Zone - VIII, Corporation of Chennai
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 600 030

Copy to :-

Mr.Yogendran,
Advocate, (Enl.No.3094/2010)
Madras High Court Buildings,
1st floor, Chennai - 104.

+2 CCs to Mr.Elephant G.Rajendran, Advocate, SR.No.44336/19

W.P.No.11254 of 2019

Kak (29/05/2019)



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