

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.12074 of 2019
and
W.M.P.No.12353 of 2019

G.Kasinathan

...Petitioner

Vs.

1.The Managing Director
Tamil Nadu Housing Board
Anna Salai, Nandhanam
Chennai-600 035.

2.The Executive Engineer cum
Administrative Officer
Nandanam Division
Tamil Nadu Housing Board
Chennai-600 35.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to open the lock and to raise the seal and permit the petitioner to take his all belongings which are inside the garage in No.33, Lloyds Colony, Chennai.

For Petitioner : Mr.S.Doraiswamy

For Respondents: Mr.R.Bharath Kumar

Standing Counsel

सत्यमेव जयते
O R D E R

Mr.R.Bharath Kumar, learned Standing Counsel takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a direction to the second respondent to open the lock and remove the seal and permit the petitioner to take his belongings, which are inside the Garage in No.33, Lloyds Colony, Chennai.

3. Heard Mr.S.Doraiswamy, learned counsel for the petitioner and Mr.R.Bharath Kumar, learned standing counsel for the

respondents.

4. It is seen that the subject matter car shed originally allotted to the petitioner, was cancelled by proceedings dated 01.02.2017. The petitioner has not questioned the cancellation. However, he wants to remove his belongings, which are now available inside the car shed, which was locked and sealed in pursuant to the said cancellation.

5. The learned Standing Counsel for the respondents, based on instructions, submitted that as on date, the petitioner is liable to pay arrears of rent to the tune of Rs.2,769/- including penal interest. Therefore, he submitted that once the petitioner pays the said sum, the respondents will permit him to remove the belongings.

6. On the other hand, the learned counsel for the petitioner submitted that though the petitioner is ready to pay the rental arrears, he is not bound to pay any penal interest, since the premises was locked and sealed as early as on 23.09.2016.

7. Considering the fact that the rental arrears sought for is in respect of the period even before locking the car shed, this Court is inclined to issue the following directions.

8. Accordingly, this Writ Petition is disposed of as follows:

(a) The petitioner shall pay the rental arrears with penal interest totalling a sum of Rs.2,769/- on or before 07.05.2019.

(b) On receipt of such rental arrears with penal interest as stated supra, the respondents shall permit the petitioner to remove his belongings inside the Garage in No.33, Lloyds Colony, Chennai, within a period of seven days thereafter.

No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Managing Director
Tamil Nadu Housing Board
Anna Salai, Nandhanam
Chennai-600 035.

2.The Executive Engineer cum
Administrative Officer
Nandanam Division
Tamil Nadu Housing Board
Chennai-600 35.

+1 CC to Mr.R.Bharath Kumar, Advocate sr 40021.

+1 CC to Mr.S.Doraiswamy, Advocate sr 39455.

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SSV(CO)
SP(15/05/2019)



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