

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.33558 of 2014
and M.P.No.1 of 2014 and WMP.No.29063 of 2016

S.Sasikumar

...Petitioner

Vs

1. The State of Tamilnadu,
Rep. by Principal SEC. to Government,
Home (Court-III) Department,
Fort St. George, Chennai.
2. The Principal District Judge,
District Court Building,
Erode 638011.
3. The Sub-Judge,
Sub-Court,
Sathiyamangalam,
Erode District- Pin 638402.
4. The District Munsif,
District Munsif Court,
Sathiyamangalam,
Erode District - Pin - 638402.
5. The Judicial Magistrate,
Judicial Magistrate Court,
Sathiyamangalam,
Erode District - Pin - 638402.

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents herein to pay the arrears of admitted rent a sum of Rs.45,63,841/- for the period ending December 2014 to the petitioner in respect of the entire land and building situated in SRN Thirumanamandapam at Door No.97, Mysore Road, Sathiyamangalam, Erode District measuring an extent of 0.73 acre and on subsequent months rents without fail or in the alternative vacate the said premises and handover the same to the petitioner with payment of arrears of rent.

For Petitioner : Mr.P.Muthu Krishnan
for M/s.V.Kadhirvelu

For Respondent : Mr.B.Anand, G.A., for R1
Mr.M.Baskar, for RR2 to 5

ORDER

Heard the learned counsels appearing on either side and perused the materials available on record.

2. The prayer in the Writ Petition is to issue a Writ of Mandamus directing the respondents to pay the arrears of admitted rent of Rs.45,63,841/- for the period ending December 2014.

3. The learned counsel for the petitioner would state that the original rent arrears was Rs.45,63,841/-. However, pursuant to the orders of this Court, the respondents have paid Rs.36,72,894/- and the balance rent is Rs.21,39,735/-.

4. The learned counsel for the respondents 2 to 5 by producing a letter of the Principal District Judge, Erode dated 03.03.2018 would state that the balance rent of Rs.21,39,735/- for the period between 01.01.2015 and 31.03.2018, is readily available and the petitioner may be permitted to withdraw the amount.

5. In the light of the above submission, the Writ Petition is disposed of permitting the petitioner to withdraw the amount of Rs.21,39,735/- forthwith. Since there is no dispute with the relationship of the parties and quantum, the respondents shall pay rental arrears from 01.04.2018 as expeditiously as possible, preferably within a period of four weeks and continue to pay the same regularly.

6. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Principal Secretary to Government,
The State of Tamilnadu,
Home (Court-III) Department,
Fort St. George, Chennai.

2.The Principal District Judge,
District Court Building,
Erode 638011.

3.The Sub-Judge,
Sub-Court,
Sathiyamangalam,
Erode District- Pin 638402.

4.The District Munsif,
District Munsif Court,
Sathiyamangalam,
Erode District - Pin - 638402.

5.The Judicial Magistrate,
Judicial Magistrate Court,
Sathiyamangalam,
Erode District - Pin - 638402.

copy to: The Section Officer,
Legal Cell Section, High Court, Madras.

+1 cc to Government Pleader, Advocate, S.R.No.59750

W.P.No.33558 of 2014

VBA (CO)
SSM(15/07/2019)

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