

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. 24471 of 2014

and

M.P.s 1 to 3 of 2014 and W.M.P. 23461/2018.

S.Nagamoorthy

... Petitioner

Vs

1. State Express Transport
Corporation Tamil Nadu Limited,
rep. by its General Manager,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai-600 002.

2. The Branch Manager,
State Express Transport
Corporation Tamil Nadu Ltd.,
Coimbatore-641 030.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records on the file of the 1st respondent relating to the impugned notice bearing No.20493-6/G1/SETC/2009, dated 25.08.2014 and quash the same and issue direction to the 1st respondent to adhere to the procedure as set out in Act 1 of 1975 Tamil Nadu Public Properties Act.

For Petitioner : Mr.S.Rajendra Kumar

For Respondents : Mrs.Rajini Ramadoss

O R D E R

This Writ Petition has been filed challenging the notice issued by the 2nd respondent State Express Transport Corporation Tamil Nadu Ltd. directing the petitioner to vacate the leasehold shop in the premises of State Express Transport Corporation Bus stand at Coimbatore.

2. The petitioner is licensee in respect of shop premises in Coimbatore Bus stand. Originally, the license was granted for the period of three years from the year 2011 to 2014. After

expiry of license period, the respondents want to evict the petitioner in order to conduct the public auction. But, according to the respondent, the petitioner is refusing to vacate the premises. Hence, the impugned notice was issued to the petitioner to vacate the premises. Challenging the same, the present Writ Petition has been filed.

3. Earlier, when the matter came up for hearing, Mr.S.Rajendra Kumar, learned counsel appearing for the petitioner would contend that the petitioner is willing to vacate the shop and hand over the premises to the respondents corporation, and since he is doing business in the shop, he wants some more time to vacate the shop.

4. Mrs.Rajini Ramadoss, learned counsel appearing for the respondents contended that there is an arrear of a sum of Rs.2,68,059/- towards rent as on today. Hence, the petitioner has to pay the arrears of rent. That apart, already, the petitioner is in possession of the shop for more than five years after expiry of license period and the 2nd respondent wants to give the shop in a public auction. Hence, the request made by the petitioner cannot be considered.

5. I have considered the rival submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the records carefully.

6. Now, the petitioner himself has come forward to vacate the shop and hand over the premises to the respondents corporation, since he is doing business for more than eight years, he wants some time to vacate the shop and he is willing to pay the entire arrears of rent within a period of four weeks. That apart, the learned counsel appearing for the petitioner submitted that the petitioner has already paid a sum of Rs.1,90,000/- towards rent by way of two demand drafts, but the respondents did not take into account of the amount paid by him. The learned counsel appearing for the respondents disputed that they have received only one demand draft for a sum of Rs.90,000/- and so far, the respondent did not encash the same, and they have not received any other demand draft. The learned counsel has further submitted that they did not encash any demand draft for the sum as stated by the petitioner.

7. Considering the same, the petitioner is directed to pay entire arrears of rent of Rs.2,68,059/- within a period of four weeks from today. On payment of arrears, the respondents are directed to issue a letter to the petitioner stating that they have not enhanced a sum of Rs.1,90,000/- (Rupees one lakh ninety thousand only) as alleged by the petitioner. Taking into

consideration of the fact that, the petitioner is in possession of the shop for more than five years after the expiry of license period, the petitioner is directed to vacate the premises and hand over the possession to the respondents Corporation on or before 31.01.2020. If the petitioner fails to pay the arrears of rent within a period of four weeks from today, the respondents are at liberty to evict the petitioner from the premises.

8. With the above direction, the present Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpp
To

1. The General Manager,
State Express Transport
Corporation Tamil Nadu Limited,
rep. by its General Manager,
Thiruvalluvar House,
No.2, Pallavan Salai,
Chennai-600 002.
2. The Branch Manager,
State Express Transport
Corporation Tamil Nadu Ltd.,
Coimbatore-641 030.

+1 CC to M/s. S. Rajeni Ramadoss, Advocate sr 82880.
+1 CC to Mr.S.Rajendra Kumar, Advocate sr 82503

सत्यमेव जयते

W.P. 24471 of 2014
and

M.P.s 1 to 3 of 2014

RV(CO)
SP(05/11/2019)

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