

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3860 of 2019

Rajendran @ Silk Rajendran ... Appellant/6th Respondent

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 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. M.Sampath

.. Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 5.8.2019 passed by the learned Single Judge in W.P.No.9411 of 2019.

Prayer in WP.9411/19: Writ Petition is filed U/A 226 of the constitution of India, to issue a writ of Mandamus directing the respondents 1 to 5 vacate the trespasser - respondent-6 from petitioner 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 Appellant : Mr.S.Vijayakumar
for Mr.P.Kannan Kumar

For Respondents : Dr.C.Ravichandran
Standing Counsel
for respondents 1 to 4

Mr.V.Jayaprakash Narayanan
Government Pleader
for 5th respondent

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The contention raised by the appellant primarily is even though the appellant had been depositing the rent, he is sought to be forcibly thrown out and even otherwise, the direction of the learned Single Judge to conduct the tender process and conclude it within three months has not been complied with till date.

2. We have considered the submissions raised and we find that the appellant had attempted to enter into the premise and even if he was under any such occupation as alleged by an internal arrangement with the defaulter, he cannot be said to be having any independent right to continue in possession of the premises in question. The conclusion, therefore, drawn on the basis of the facts as discussed by the learned Single Judge cannot be said to be suffering from any infirmity.

3. The second grievance of the petitioner is that the authorities have not taken steps as directed by the learned Single Judge to conclude the tender process within three months. It was open to the aggrieved person to have instituted proceedings for contempt or disobedience of the order, as the case may be, but this appeal cannot be entertained for the reasons aforesaid, as there is no cause to differ from the view taken by the learned Single Judge.

4. The appeal is, accordingly, consigned to records. It shall be open to the appellant to approach the appropriate forum for compliance of the order of the learned Single Judge. No costs. Consequently, C.M.P.No.24279 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Commissioner
Corporation of Chennai
Rippon Building
Chennai - 600 003.
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5. The Inspector of Police
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Chennai - 600 018.

+1cc to Mr.P.Kannan Kumar, Advocate SR.99086

+1cc to the Government Pleader SR.99455

VGII(CO)
CB(30/12/2019)

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