



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2019

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A. (MD) .No.184 of 2019
and
C.M.P. (MD) .No.1486 of 2019

The Official Liquidator
cum Assistant Director (Indl. Coops),
TAICO Bank,
Chennai 600 008.

... Appellant/2nd Respondent

Vs.

1. The Commissioner and Director for
Industries and Commerce,
No.36, Canal Bank Road,
Menthaivelipakka,
R.A.Puram,
Chennai 09.

2. The Special Officer,
Sivakasi Industrial Co-operative
Offset Printer IND No.718,
Sivakasi,
Virudhunagar District.

... Respondents 1 and 3/Respondents
1 and 3

3. M.Koodalingam

... 4th Respondents/Writ Petitioner

Prayer:- Writ Appeal is filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD).No.15009 of 2014, dated 10.09.2014.

Prayer in WP(MD). 15009/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari to call for the records of the 1st Respondent by his proceedings LF. NO. 1185/ICA/2012 dated 04.03.2014 quash the same and pass such further or other orders.



For R3

: Mr.P.S.Palanivel Rajan

J U D G M E N T

न.ज.सं.५ (Judgment of the Court was delivered by **K.KALYANASUNDARAM, J.**)

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Assailing the order passed by the learned single Judge in W.P. (MD).No.15009 of 2014, dated 10.09.2014, the present writ appeal has been filed.

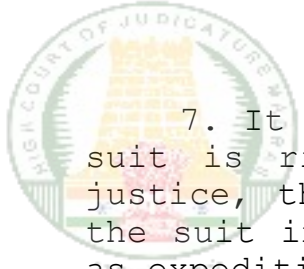
2. The appellant is the second respondent in the writ petition. The third respondent herein is a tenant in respect of a commercial building owned by the Sivakasi Industrial Co-operative Offset Printing. The Society has become defunct and hence, the appellant was appointed as an Official Liquidator. The second respondent herein has passed an order directing the writ petitioner to vacate the Society building and hand over vacant possession, which was challenged in the writ petition.

3. The learned single Judge allowed the writ petition by observing that the writ petitioner being a lessee cannot be summarily evicted and the Official Liquidator has to initiate proceedings to evict the tenant by following the procedure established by law. The tenant was also directed to continue to pay the lease rent to the Official Liquidator. Aggrieved over the same, the appellant has come up before this Court.

4. Mr.T.Lajapathiroy, learned counsel for the appellant would submit that the lease in favour of the third respondent was terminated and a suit has been filed for recovery of possession, which is pending before the Sub Court, Sivakasi in O.S.No.9 of 2016. It is further stated that after termination of the lease by the letter of the second respondent dated 10.02.2014, the writ petitioner has no right to continue as a tenant in the property.

5. Per contra, Mr.K.P.S.Palanivel Rajan, learned counsel for the third respondent would urge that admittedly the third respondent is a statutory tenant and hence, he has to be evicted by following the process and the summary eviction order passed by the second respondent was rightly set aside by the learned single Judge.

6. In the instant case, it is an admitted fact that the third respondent is a tenant under the second respondent herein and as per the order of the learned single Judge, the appellant has also filed a suit for recovery of possession. Hence, we find no merit in the writ appeal. However, considering the fact that the lease was revised in the year 2014 and the rent was increased from Rs.6,600/- to Rs.7,250/-, the third respondent is directed to pay the monthly rent of Rs.10,000/- from the month of April 2019.



7. It is submitted that issues have already been framed and the suit is ripe for trial. Hence, in order to meet the ends of justice, the learned Sub Judge, Sivakasi is directed to dispose of the suit in O.S.No.9 of 2016 on merits and in accordance with law, as expeditiously as possible preferably on or before 30.09.2019.

8. With the above direction, this writ appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner and Director for
Industries and Commerce,
No.36, Canal Bank Road,
Menthaivelipakka,
R.A.Puram,
Chennai 09.

2. The Special Officer,
Sivakasi Industrial Co-operative
Offset Printer IND No.718,
Sivakasi,
Virudhunagar District.

3. The Sub Judge, Sivakasi.

+1cc to Mr.T.Lajapathiroy, Advocate, SR.No.62320
+1cc to Mr.K.P.S.PALANIVELRAJAN, Advocate, SR.No.61974
+1cc to M/s.Special Government Pleader, SR.No. 62756

W.A. (MD) .No.184 of 2019
23.04.2019

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