



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.11.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

**W.P. (MD)No.24039 of 2019
and
W.M.P. (MD)No.20632 of 2019**

R.Murugesan : Petitioner
Vs.

1.The Commissioner,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli.

2.The Assistant Commissioner,
Srirangam Zone,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli.

3.The Inspector of Police,
Fort Police Station,
Teppakulam,
Tiruchirapalli.

4.Anand Babu
5.Pandian : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take effective steps and action in the representations of the petitioner dated 13.08.2019, 27.09.2019 and 01.11.2019 and consequently, directing the respondents 1 to 3 to remove the fifth respondent trespasser from the tenanted premises owned by the first respondent bearing Door No.10, NSB Road, Trichy, which is the tenanted premises of the petitioner.

For Petitioner	: Mr.Veera.Kathiravan, Senior Counsel, For M/s.Veera Associates
For Respondents 1&2	: Mr.N.S.Karthikeyan
For Respondent No.3	: Mr.M.Rajarajan, Government Advocate

ORDER

Mr.N.S.Karthikeyan, learned Standing Counsel, takes notice on behalf of the first and second respondents. Mr.M.Rajarajan, learned Government Advocate, takes notice on behalf of the third respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



2. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner's father was the original lessee in respect of a shop bearing Door No.10, NSB Road, Trichy. After the death of the petitioner's father, the petitioner's brother's son has transferred the lease in his favour as if he is the only person available to inherit the estate of the deceased Ramasamy Pillai. After knowing, that the fourth respondent indulged in illegal activities, the petitioner and other brothers have given a representation to the Commissioner of Tiruchirapalli City Municipal Corporation and on his intervention, all the names of the legal heirs were included along with the fourth respondent by order dated 22.04.2019. Even thereafter, the fourth respondent would not permit the petitioner to enjoy the fruits. While the lease was transferred in the name of the fourth respondent and during its subsistence, he sublet the leased premises to the fifth respondent, who is now in occupation. Aggrieved over the same, the petitioner has made a representation to the first respondent on 13.08.2019, followed by reminder dated 27.09.2019, for taking appropriate action to remove the trespasser, namely, the fifth respondent from the shop premises and to take consequential action over the subletting done by the fourth respondent. He also made a complaint to the Inspector of Police, Fort Police Station, on 01.11.2019. However, it is informed that on the very same day, after enquiry, the petitioner undertook to take action before appropriate Civil Court. Now, the petitioner has approached this Court for a direction, directing the first respondent to take effective steps and action on his representation for removing the fifth respondent/trespasser from the tenanted premises and pass further orders.

4. Even though the first respondent has passed an order dated 22.04.2019, he has not taken note of the happenings in respect of the leased premises. Admittedly, the fifth respondent is a sub-lessee and it is not clear as to whether it is legal to sublet the premises as per the conditions of lease. If subletting is not permitted, as per the conditions of lease, the first respondent should have taken action at the earliest. Surprisingly, no action has been taken, that too, even after it came to his knowledge by the representations of the petitioner dated 13.08.2019, 27.09.2019 and 01.11.2019. These factual circumstances reveal that all is not well and the first respondent is either negligent or favouring somebody.

5. In such circumstances, a direction is issued to the first respondent to take action on the representation of the petitioner dated 13.08.2019 with respect to the lease given to the premises bearing Door No.10, NSB Road, Trichy and see to that, the revenue to the Corporation is augmented. While taking action, the first respondent is directed to issue notice to all the parties concerned.



6. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

7. Post the Writ Petition on 16.12.2019 **"for reporting compliance"**.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

SML

To

1.The Commissioner,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli.

2.The Assistant Commissioner,
Srirangam Zone,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli.

3. The Inspector of Police,
Fort Police Station,
Teppakulam,
Tiruchirapalli.

Copy to: The Section Officer,
Writ Section,
Madurai Bench of Madras High court, Madurai

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-98641[F] dated 15/11/2019)

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-98983[F] dated 18/11/2019)

Order made in
W.P. (MD)No.24039 of 2019
Dated: 14.11.2019

MK (26.11.2019) 3P 7C