

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.8837 of 2020
and
WMP No.10732 & 10734 of 2020

Park Town Cooperative Wholesale Stores
(Chinthamani Coop. Super Market)
Rep. by its Managing director
S.Babu, M/49, S/o.Saminathan
No.G-133, 1st Main road,
Anna Nagar East, Chennai-102. Petitioner

Vs

The Executive Engineer / Administrative Officer
Anna Nagar Division
Tamil Nadu Housing Board
Thirumangalam
Chennai-101. Respondent

Prayer: Writ Petition filed under Section Article 226 of the Constitution of India praying Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his letter No.Aa.Na.Ko.II.9/6575/1980 dated 29.05.2020 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Bharat Kumar
standing counsel

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O R D E R

This matter is taken up for hearing through Video-Conferencing mode.

2. This writ petition is filed challenging the order of the respondent dated 29.05.2020 calling upon the petitioner to vacate the subject matter premises immediately for the purpose of demolishing the building and reconstructing the same.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.R.Bharath Kumar, learned Standing counsel, who takes notice for the respondent-Board.

4. Mr.C.Prakasam, learned counsel for the petitioner fairly submitted that though the challenge made is against the impugned proceedings calling upon the petitioner to vacate, however, if a reasonable time is given to the petitioner, they would vacate within such time, as they are searching for another premises. He also submitted that the petitioner is ready to file an affidavit of undertaking.

5. Mr.R.Bharath Kumar, learned standing counsel for the respondent Board, however, submitted that the petitioner is in huge arrears of rent amounting to a sum of Rs.61 lakhs and therefore, no indulgence can be shown to the petitioner.

6. Upon hearing both sides, it is evident and not a disputed fact that the petitioner is a tenant under the respondent-Board and that the respondent- Board has decided to demolish the existing building and reconstruct a new one.

7. It is submitted by the learned standing counsel for the respondent-Board that all other tenants have already vacated. Under such circumstances, the petitioner cannot prolong the stay in the subject matter premises by filing the present writ petition.

8. Since the learned counsel for the petitioner fairly stated that, if sufficient time is given to the petitioner, they would vacate the premises, this Court is of the view that the interest of the parties will be protected by disposing the writ petition with the following directions.

9. Accordingly, the Writ Petition is disposed of as follows:

(a) The petitioner is given six months time to vacate the premises from today.

(b) The petitioner should file an affidavit of undertaking before the respondent as well as before this Court that they would vacate the premises within a period of six months from today.

(c) Such an affidavit shall be filed by the petitioner within a period of two weeks i.e., on or before 20.07.2020.

d) The petitioner should file the affidavit before the Registry and the same shall form part of the records in this writ petition.

(e) The petitioner should pay the entire

arrears, if any, within a period of two months from today.

(f) If the petitioner fails to file the affidavit of undertaking as stated supra within the time stipulated before this Court as well as the respondent, the time granted by this Court to vacate the premises herein shall stand cancelled automatically without reference to the order passed herein.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

mk/vsi

To

The Executive Engineer / Administrative Officer
Anna Nagar Division
Tamil Nadu Housing Board
Thirumangalam
Chennai-101.

W.P.No.8837 of 2020
and

WMP No.10732 & 10734 of 2020

SVI (CO)
GN(31/07/2020)

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