

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.16641 of 2020

D.Malligai

... Petitioner

Versus

1.The Registrar General,
Madras High Court,
Chennai 600 104.

2.The Principal District Judge,
Tiruppur District,
Tiruppur.

3.The Sub Judge,
Palladam, Tiruppur District.

4.The Executive Engineer,
Public Works Department,

Tiruppur District,
Tiruppur.

5.The Secretary,

Bar Association, Palladam.

.. Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1 to 4 herein to fix the rents for the Petitioners premises let out for Functioning of the Sub court, Palladam, At S.F. No 23/1, Hostel Road, Vadugapalaym village, Palladam Taluk, Tiruppur District and consequently direct the Respondents to pay the rents every month promptly including the accrued rents till date from January 2018 within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.P.Kannankumar for R1 to R3

Mr.Kamaleshkannan
Government Advocate for R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is the absolute owner of the land and building comprised in S.F.No.23/1, Hostel Road, Vadugapalayam Village, Palladam Taluk, Tiruppur district and the land is admeasuring an extent of 4752 sq.ft and plinth area of the building measures about 2624 sq.ft. The petitioner would aver that she is eking out his livelihood by leasing out the said

property.

2. The learned counsel appearing for the petitioner would submit that Home (CTS-III) Department, vide G.O.Ms.No.297, dated 05.04.2017, had sanctioned Sub Court for Palladam Town, Tiruppur District and since suitable Government Buildings were not available to accommodate the Court, the petitioner was requested to lease out the building to accommodate the Sub Court and he has also agreed to the same and in pursuant to the same, he also spent a sum of Rs.5,00,000/- for renovation and make it suitable for accommodation and functioning of the Court. It is also pointed out by the learned counsel appearing for the petitioner that the 1st respondent, vide proceedings dated 19.02.2018, accorded permission to accommodate the Sub Court in the premises of the petitioner and further directed the 2nd respondent to fix the rent in consultation with the 4th respondent. The grievance expressed by the petitioner is that right from the said communication, the rents due and payable / arrear amount, in pursuant to the above cited accommodation, have not been paid to the petitioner, on the pretext of non fixing of the rent by the 3rd respondent and in this regard,

he has also submitted a representation dated 22.09.2020, pointing out among other things that the said arrear amount is also required for celebration of her daughter's and son's marriage and despite that, no response is forthcoming and hence left with no other option except, approached this Court by filing this Writ Petition.

3. Mr.P.Kannan Kumar, learned standing counsel accepts notice on behalf of the respondents 1 to 3 and Mr.Kamaleshkannan, learned Government Advocate accepts notice on behalf of the 4th respondent.

4. The learned standing counsel appearing for the respondents 1 to 3, on instructions, would submit that the Public Works Department after valuation, has fixed the rent at the rate of Rs.35,975/- vide proceedings dated 10.06.2019 and through proper channel, it was forwarded to the Government and Home (Courts-III) Department vide G.O.Ms.No.251 dated 22.10.2020 and also granted sanction for fixation of the said amount and now files are under circulation to the Hon'ble Portfolio Judge for Tiruppur District and orders are expected very soon.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. The fact remains that the 1st respondent, vide proceedings dated 19.02.2018 in R.O.C.No.953/2012/G/Judn, accorded permission to accommodate the Sub Court in the premises owned by the petitioner. It *prima facie* appears that there is some delay on the part of the jurisdictional Public Works Department officials to fix the valuation of the rent amount. A perusal of the typed set of documents would disclose that representations have been submitted by the petitioner, pointing out the financial difficulties, in the light of the fixation of her daughter's and son's marriage and further points out that she became a widow in the year 2006 and she is wholly depending upon the rental income and despite that there appears to be some lack of sensitivity.

7. The learned standing counsel appearing for the respondents 1 to 3 prays for outer time limit of eight weeks time to clear the arrears of rent payable to the petitioner. However, this Court is inclined to grant six weeks time to do the same.

8. In the light of the fact that there appears to be some delay on the part of the 4th respondent, the petitioner is entitled to simple interest at the rate of 6% per annum for the belated payment of rent from 19.02.2018 till the date of actual payment and hence directs the 3rd respondent to pay simple interest at the rate of 6% per annum for the belated payment of rent from 19.02.2018 till the date of actual payment.

9. The Writ Petition stands disposed of, accordingly. No costs.

[M.S.N.,J] [R.H., J]

24.11.2020

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Internet : Yes/No
Index : Yes/No

To
1.The Registrar General,

Madras High Court,
Chennai 600 104.

2.The Principal District Judge,
Tiruppur District,
Tiruppur.

3.The Sub Judge,
Palladam,
Tiruppur District.

4.The Executive Engineer,
Public Works Department,
Tiruppur District,
Tiruppur.

5.The Secretary,
Bar Association,
Palladam.

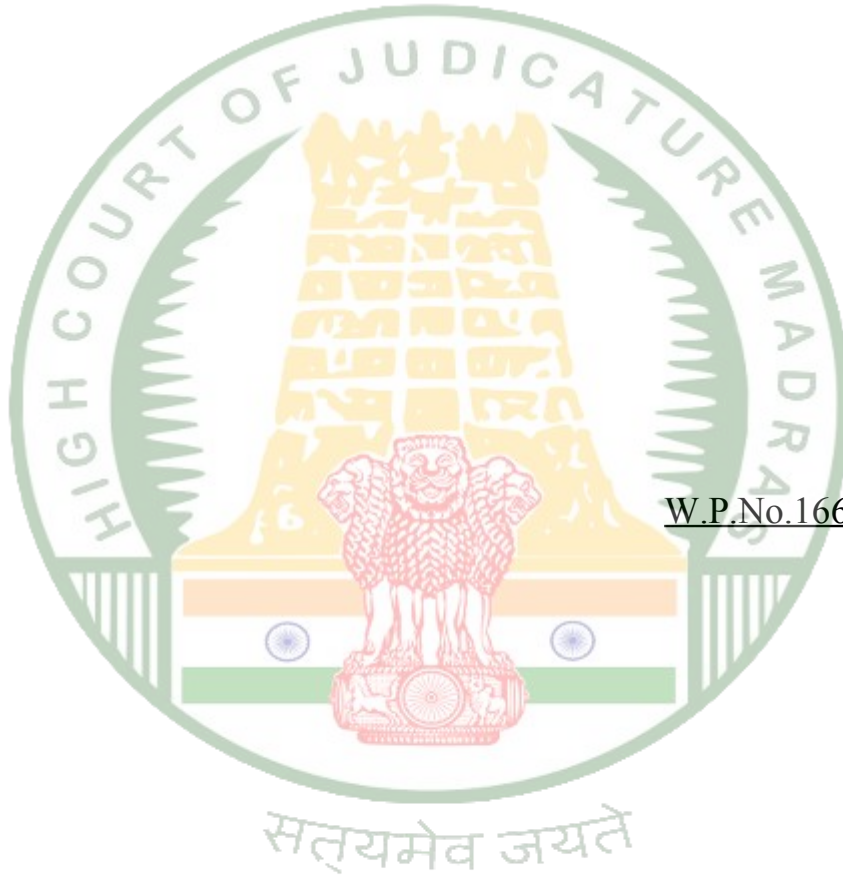
Copy to

1.The Principal Secretary,
Government of Tamil Nadu,
Home (Courts III) Department,
Secretariat, Chennai 600 009.

2.The Principal Secretary to Government,
Public Works Department,

Secretariat, Chennai 600 009.

M.SATHYANARAYANAN, J.,
AND
R.HEMALATHA.,J
sk



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