



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.01.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1280 of 2020

and

W.M.P. (MD) Nos.1029 and 1031 of 2020

S.Zakir Hussain

... Petitioner

Vs.

1.The Estate Officer cum
The Commissioner,
Tiruchirappalli Municipal Corporation,
Trichy.

2.The Assistant Commissioner,
Ponmalai Division,
Trichy City.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the original impugned paper publications dated 15.01.2020 published in the Tamil Daily Dinamalar issued by the first respondent and quash the same and consequently directing the first respondent to receive the arrears of rent and remove the lock and seal affixed by the respondent in respect of the property bearing Assessment No.200257, at Central Bus Stand, Trichy.

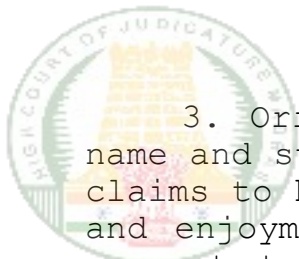
For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.N.S.Karthikeyan,
Standing Counsel

O R D E R

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

2. The writ petition is filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus challenging the impugned paper publication dated 15.01.2020 issued by the Trichirappalli Corporation for the purpose of auctioning the property bearing Assessment No.200257 at Central Bus Stand, Trichy.



3. Originally, in the said premises, a Hotel was run in the name and style of M/s.Kannan Restaurant. After that, the petitioner claims to have succeeded as legal heir and he has been in possession and enjoyment of the said building. There has been a dispute with respect to payment of rent and there were civil suits pending in this regard. The first respondent issued a notice demanding the increased rental amount on 05.04.2017. As on March, 2018, a sum of Rs.72,28,497/- was payable by the petitioner towards the rental arrears. Without making the payment, the petitioner made a representation to the first respondent on 31.12.2018. Finally, the first respondent passed an order in his proceedings dated 06.03.2019 under Section 5(1)(2) of Tamilnadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, declaring the petitioner as an unauthorized occupant in respect of the building situated in central bus stand. The said eviction order was also challenged by the petitioner in W.P(MD)No.8764 of 2019 and the same was disposed of by this Court on condition that the petitioner deposits a sum of Rs.40,00,000/- with the first respondent and to provide security of immovable properties standing in his name for the balance amount and thereafter, the Estate Officer was directed to conduct enquiry and pass orders. But, the first respondent failed to comply with the orders of this Court. It is stated by the petitioner that he had drawn Rs.40,00,000/- by way of demand draft. But, the respondents refused to receive the money. In the meanwhile, the first respondent had published the impugned notification dated 15.01.2020, fixing the date of auction on 23.01.2020. The said auction notice is now challenged by the petitioner.

4. Upon instructions, the learned standing counsel appearing for the respondents produced a proceedings in Na.Ka.No.A1/2512/2018/ (Pon), dated 27.01.2020. As per which, the said auction was dropped for want of bidders, who are ready to pay the upset price.

5. In view of the same, as on date, there was no auction held by the respondents pursuant to the impugned paper publication. Hence, the relief sought for by the petitioner has become infructuous and hence, the writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pm

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



To

1.The Estate Officer cum
The Commissioner,
Tiruchirappalli Municipal Corporation,
Trichy.

2.The Assistant Commissioner,
Ponmalai Division,
Trichy City.

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-4064[F] dated 31/01/2020

Order made in
W.P(MD)No.1280 of 2020
29.01.2020

JMN(12.02.2020) 3P : 4C