

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

W.P.No.3372 of 2021

and WMP.No.3843 of 2021

1. K.Venkataraman
2. V.Suresh Kumar

... Petitioners

..Vs..

1. The Commissioner
Office of the Greater Chennai Corporation
Ripon Buildings,
Chennai 600 003.
2. The Zonal Officer
Zone 13
Greater Chennai Corporation
No.31, Tiruvenkadam Street, Kasturba Nagar,
Adayar, Chennai 600 020.

... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to De-seal the two shops bearing numbers 18F and 19F in Zone 13, Ward No.175, Indira Nagar Corporation Complex, Chennai 600 003, thereby permitting the petitioner to take the articles and documents which are inside the shops.

For Petitioner : Ms.H. Lucia Priyadarshini
For Respondents : Mrs.P.T.Ramadevi
Standing Counsel

ORDER

This writ petition is filed for a mandamus directing the respondents to De-seal the two shops bearing numbers 18F and 19F in Zone 13, Ward No.175, Indira Nagar Corporation Complex, Chennai 600 003.

2. The case of the petitioners is that they have been allotted shops bearing numbers 18F and 19F respectively in Zone 13, Ward No.175, Indira Nagar Corporation Complex, Chennai 600 003 and they are in occupation of the said shops for the past 15 years. Due to pandemic situation, the petitioners have failed to pay the arrears of rent to the Corporation and therefore the Corporation has sealed the petitioners premises.

3. According to the learned Standing Counsel for the Corporation, the total arrears of rent as on January 2021 for Shop No.18F - V.Suresh Kumar is Rs.12,34,357/- and for that arrears of amount, the second petitioner has taken Demand Draft for a sum of Rs.3,00,000/- vide D.D.No.945213 dated 17.02.2021 and even after that there is a balance of Rs.9,34,357/- and for Shop No.19F- K.Venkataraman arrears of rent as on January 2021 is Rs.12,65,585/- and for that arrears of amount the first petitioner has taken Demand Draft for a sum of Rs.3,00,000/- vide D.D.No.945214 dated 17.02.2021 and even after that there is a balance of Rs.9,65,585/- and the said two Demand Drafts have been handed over to the learned Standing Counsel for the Corporation.

4. The learned counsel for the petitioners produced an affidavit showing the break up of rental arrears agreeing to clear the balance amount in three equal monthly installments at Rs.3,11,452/- and Rs.3,21,861/- respectively in the month of March 2021, April 2021 and May 2021 for Shop No.18F - V.Suresh Kumar and Shop No.19F - K. Venkataraman in the month of March 2021, April 2021 and May 2021. Paragraph No.2 of the break up rental arrears is extracted here under:-

" We undertake to make the payment on or before of the 30th of every month starting from March 2021.

SHOP 18F - V. SURESH KUMAR

Total Arrears as on January 2021	Rs.12,34,357/-
Demand Draft drawn in favour of Corporation of Chennai vide D.D.No.945213 dated 17.02.2021	Rs.3,00,000
Remaining arrears	Rs.9,34,357
I Installment - March 2021	Rs.3,11,452
II Installment - April 2021	Rs.3,11,452
III Installment - May 2021	Rs.3,11,452

SHOP 19F - K. VENKATARAMAN

Total Arrears as on January 2021	Rs.12,65,585/-
Demand Draft drawn in favour of Corporation of Chennai vide D.D.No.945214 dated 17.02.2021	Rs.3,00,000
Remaining arrears	Rs.9,65,585
I Installment - March 2021	Rs.3,21,861
II Installment - April 2021	Rs.3,21,861
III Installment - May 2021	Rs.3,21,861

5. In view of the subsequent development that the petitioners have paid a sum of Rs.3,00,000/- each by way of above mentioned Demand Draft and also filed an affidavit of undertaking to pay the remaining arrears of rent in three monthly equal installments this writ petition is allowed with a direction to the respondents to de-seal the petitioners premises forthwith. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Commissioner
Office of the Greater Chennai Corporation
Ripon Buildings,
Chennai 600 003.
2. The Zonal Officer
Zone 13
Greater Chennai Corporation
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Adayar, Chennai 600 020.

+1cc to M/s.H.Lucia Priyadarshini, Advocate, S.R.No.10357.
+1cc to M/s.P.T.Ramadevi, Advocate, S.R.No.9661.

W.P.No.3372 of 2021
and WMP.No.3843 of 2021

KK(CO)
CSR(10.03.2021)

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