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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.10752 of 2013

and

MP(MD).No.1 of 2013

M/s.Murugan Talkies,
A partnership firm represented
By its Managing Partnership P.Suresh
East Boulevard Road,
Tiruchirappalli.

.. Petitioner

Vs

1. The Tiruchirappalli City Corporation,
Rep by its Commissioner, Tiruchy-1.

2. The Assistant Commissioner,
Tiruchirappalli City Corporation,
Ariyamangalam Zone,
Tiruchirappalli-1.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondents not to evict the petitioner from the property leased as item No.27/41 of Tiruchirappalli Corporation situated in East Boulevard Road, in T.S.No.29 Part, 31 and 33 Part, Ward No.P, Block No.4, measuring to an extent of 20,522 sq.ft., running a cinema theatre in the name of Murugan Talkies.

For Petitioner

: Mr.R.Baskaran

For respondents

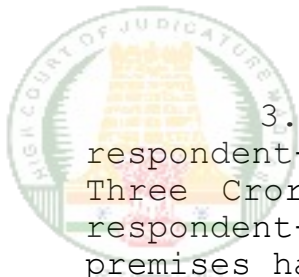
: Mr.N.S.Karthikeyan

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner is the cinema theatre and it is stated to be represented by a partnership firm, in which, Mr.P.Suresh is the Managing Partner. They have filed the writ petition praying for a Writ of Mandamus directing the respondents corporation not to evict them from the property in question, which was leased out to them, where the cinema theatre was functioning.

2. First of all the petitioner is not a lessee of the Corporation, but claims to be a sub-lessee. Therefore, he would not have any vested right to seek for such a direction.



3. Mr.N.S.Karthikeyan, learned counsel appearing for the respondent-Corporation submitted that as on date more than Rupees Three Crores is liable to be paid by way of lease rent to the respondent-Corporation and since the same has not been settled, the premises have been locked and sealed.

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4. If such is the situation, it is always open to the original lessee to approach the respondent-Corporation and place his submissions for consideration of the Corporation. At the instance of the petitioner firm, we cannot issue any direction as sought for in the writ petition. Furthermore, we find that the order of *status quo* was granted only up to 19.07.2013 and thereafter, there is no interim order in force.

5. In the light of the above, it is always open to the original lessee to agitate the matter before the respondent-Corporation. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Commissioner,
Tiruchirappalli City Corporation, Tiruchy-1.

2. The Assistant Commissioner,
Tiruchirappalli City Corporation,
Ariyamangalam Zone, Tiruchirappalli-1.

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-19583[F] dated 18/06/2021)

W.P. (MD) No.10752 of 2013

16.06.2021

CN(23.06.2021) 2P 4C