



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18628 of 2021

and

W.M.P. (MD)No.15359 of 2021

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R.Lenin Raja

... Petitioner

Vs.

1.The Managing Director,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd.,
Chennai.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The District Manager,
(TASMAC),
Tamil Nadu State Marketing Corporation Ltd,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent to vacate the shop in TASMAC IMFL retail Shop No.7035 from the petitioner's land in Survey No.226/1B, Thiruvadanai Village Group, Thiruvadanai Taluk, Ramanathapuram District and hand over to the same to the petitioner.

For Petitioner	: Mr.V.Kannan
For R1 & R3	: Mr.B.Jameel Arasu Standing Counsel
For R2	: Mr.D.Ghandiraj Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the third respondent to vacate the shop in TASMAC IMFL retail Shop No.7035 from the petitioner's land in Survey No.226/1B, Thiruvadanai Village Group, Thiruvadanai Taluk, Ramanathapuram District and hand over to the same to the petitioner.

2.The respondent TASMAC, after having entered into the lease agreement with the erstwhile owner of the property situated at Survey No.226/1B in Thiruvadanai Village Group, Thiruvadanai Taluk,



Ramanathapuram District, had located IMFL retail Shop No.7035 from 17.11.2017.

3.Subsequently on 25.11.2019, the petitioner has purchased the said property and after he purchased the property, he also had given a No Objection to run shop for some time and in this regard, he has given a No Objection Certificate on 24.09.2020 to the TASMAL people to run the IMFL Shop.

4.Subsequently, the petitioner thought of improving the property by making some investment, hence, he wanted the respondent to vacate the IMFL Shop from the said premises and to hand over the vacant possession.

5.In this regard, the petitioner has given a representation on 16.05.2021 to all the three respondents to vacate the IMFL Shop and to hand over the property to the petitioner.

6.Despite the said request having been made on 16.05.2021, none of the respondents have taken any action and so far, nothing was forthcoming from the respondents as to when, the respondents would vacate the IMFL retail shop from the premises of the petitioner as the petitioner wants his property to be improved.

7.Therefore, to give a direction to the respondents to consider the request of the petitioner, dated 16.05.2021 and to vacate the IMFL Shop from the said premises belongs to the petitioner, he has approached this Court by filing the present writ petition.

8.Heard Mr.V.Kannan, learned Counsel for the petitioner, who having reiterated the aforesaid facts, would seek indulgence of this Court.

9.Heard Mr.B.Jameel Arasu, learned Standing Counsel appearing for the respondent TASMAL, who, on instructions would submit that, the petitioner, after having purchased the property in question, had given a No Objection Certificate permitting the TASMAL to continue the IMFL shop in question, now all of a sudden cannot turn around and make a request to the TASMAL to vacate the shop.

10.Since it is a small village, where the respondent TASMAL cannot easily find out an alternative place suddenly, therefore it takes some reasonable time to find out the alternative accommodation and therefore, without giving such a reasonable time, the petitioner cannot expect the respondent TASMAL to vacate the shop immediately. The learned Counsel would also submit that, in this regard, the TASMAL requires at least six months time to find out the alternative place and to vacate the shop.

11.I have considered the said submissions made by the learned Counsel appearing for the parties and have perused the materials



placed before this Court.

12.Insofar as the running of the IMFL Shop in the premises of the petitioner is concerned, though the petitioner had already given a No Objection Certificate to continue the shop at the premises belongs to the petitioner, which has purchased in the year 2019, once the petitioner has come forward to make a claim that he wants the premises for development and in this regard, he needs the respondent TASMAL to vacate the shop, after getting a reasonable time to find out an alternative accommodation, the TASMAL shall vacate the shop in question.

13.In this regard, it is to be noted that, such a request has already been made by the petitioner and a written representation also has been given to the respondent on 16.05.2021. After giving such representation, already five months have gone. Within this five months, definitely, the respondents could have found out an alternative accommodation. Therefore, after five months, now the respondents cannot seek such a longer time of six months to vacate the shop and therefore, considering this situation and the factual matrix, this Court feels that a reasonable time of further three months can be given to the respondent TASMAL to vacate IMFL Shop No.7035 from the premises of the petitioner by relocating the same in any other convenient place to be found out by the respondents.

14.In that view of the matter, this writ petition is disposed of with the following orders:

"that there shall be a direction to the respondents to consider the representation of the petitioner, dated 16.05.2021, and accordingly, the respondents, after finding out the alternative accommodation, may shift the IMFL Shop No.7035 from the premises of the petitioner within a period of three months from the date of receipt of copy of this order."

15.With these directions, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

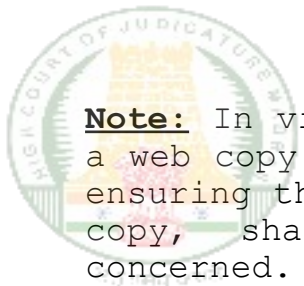
Assistant Registrar (AD I)

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/ /2021

Sub Assistant Registrar(CS)

PJL



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.

WEB COPY

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+1 CC to M/s.SPL.GP (SR-32082[F] dated 21/10/2021)

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SAR(CO)

RS/JGB (16.11.2021) 4P 5C