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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.03.2022
CORAM :
THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5414 of 2022
and
W.M.P.No.5502 of 2022

Mr.Rohit Agarwal

... Petitioner

Vs.

1. The Union of India,
Rep. by its Secretary,
Ministry of Finance,
Income Tax Department,
Office of the Tax Recovery Officer,
TRO 3, Chennai.
2. M/s.J.K.Associates
Rep. by its Director Mrs.Priya
No.604/A, Shivalaya Complex,
Ethiraj Salai, Egmore,
Chennai 600 008.
3. M/s.J.K.Associates
Rep. by its Director Mrs.Nithyaa,
No.604/A, Shivalaya Complex,
Ethiraj Salai, Egmore,
Chennai 600 008.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent not to evict the peaceful enjoyment of the residing house property No.C-156, 15th Floor, Sunnyvale Apartments, No.351, Konnur High Road, Ayanavaram, Chennai 600 023 by having tenancy of Attornment.

For Petitioner : M/S.C.Kanagaraju
For Respondents : Mr.Prabhu Mukunth Arunkumar
Standing Counsel (For IT)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the first respondent not to evict



the peaceful enjoyment of the residing house property No.C-156, 15th Floor, Sunnyvale Apartments, No.351, Konnur High Road, Ayanavaram, Chennai 600 023 by having tenancy of attornment.

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2. The case of the petitioner is that the petitioner is presently working as Territory Manager for the VIRATEC Company at Chennai. The petitioner had entered a registered lease agreement with one M/s.J.K.Associates, having office at the aforesaid address, for a period of 36 months commencing from 19.10.2020 to 19.10.2023, and the petitioner has paid total sum of rupees 30 Lakhs towards as initial deposit on monthly rent of Rs.15,000/- per month to the A/c of M/s.J.K.Associates company Directors. That being the case, the Income Tax Department issued a Proclamation of Sale Notice on the demised premises of the petitioner's lease hold property. However, as there was a due, the 3rd respondent has to pay the dues to the 2nd respondent and for the non payment of the dues, the 2nd respondent initiated the proceedings and obtained the Proclamation of deed from the authority. In view of the due, there is a threat of eviction to the petitioner. Hence, the present Writ Petition is filed.

3. The learned counsel for the petitioner submitted that this Court may issue direction to the respondents not to intervene without due process of law.

4. The learned counsel appearing for the respondent submitted that the eviction will be followed in the manner known to law.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 1st respondent to evict the petitioner by following due process of law.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jd/rli



To

The Secretary, Union of India,
Ministry of Finance,
Income Tax Department,
Office of the Tax Recovery Officer,
TRO 3, Chennai.

+1 CC to Mr.C. Kanagaraj, Advocate sr 16181

+1 CC to M/s. Hema Muralikrishnan, Advocate sr 16504.

W.P. No.5414 of 2022
and
W.M.P.No.5502 of 2022

NRJK(CO)
SP(01/04/2022)