



Cont.P.No.1849 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.12.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

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K.Durai Thirunavukkarasu

... Petitioner

Vs

1.S.Vineetha, IAS,
The District Collector,
Tiruppur – 641 604.

2.L.Subramanian,
The Managing Director,
Tamil Nadu State Marketing Limited (TASMAC),
4th Floor, CMDA-Tower II,
Egmore, Chennai – 600 008.

3.Govindarajulu,
The Regional Manager,
No.305A, Vilankurichi Road,
Peelamadu, Coimbatore – 641 004.

4.Sivakolunthu,
The District Manager,
Tamil Nadu Ware House Corporation,
Godown No.1, Hungeripalayam Road,
Tiruppur – 641 602.

... Respondents

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, praying to punish the respondents for having disobeyed by non-



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compliance of their own letter bearing No.Na.Ka.No.166/2021/A dated 14.07.2021 in the order passed in W.P.No.12828 of 2021 dated 15.07.2021 passed by this Hon'ble Court.

For Petitioner : Mr.A.K.Sridharan

For Respondents : Mr.B.Vijay
Additional Government Pleader – R1
Mr.M.Sekar, Standing Counsel – R2 to R4

ORDER

Read this order in conjunction with order dated 06.12.2022 that reads as follows:

"The respondents are thus, and as per the counter filed admittedly, in possession of the property as otherwise there would have been no occasion for them to have opened the shop on 14.10.2022, which as per para no. 3 of the counter functioned till 10 p.m that day.

2. Since the learned Standing Counsel would submit that the shop does not satisfy the statutory conditions of measurement with attached toilet and grilled gate, it appears that TASMAL is not interested in pursuing its activity in premises at liquor Shop No.3999.

3. In such an event, let the rent be paid up to date to the petitioner within a period of one week from today, as per lease deed date 30.09.2020.

4. List on 13.12.2022 under the caption 'for reporting compliance.'"



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2.The petitioner confirms the receipt of cheque bearing No.892523, dated 12.12.2022 for an amount of Rs.70,452/-. The memos filed by both learned counsel are extracted below:

MEMO FILED ON BEHALF OF THE PETITIONER

“(A copy of the E-mail received from the petitioner is filed herewith for perusal of this Hon'ble Court.

Dated at Chennai, on this the 13th day of December, 2022.)

'Dear Sir,

I'm writing this mail on behalf of my father Mr K. Durai Thirunavukkarasu, residing at 7, Nathapalayam Post, Mulanur Via, Dharapuram Taluk, Tiruppur District. 638106.

My father is an ailing senior citizen aged 73 and he could not send an email by himself. So, I'm writing this mail on his behalf to bring it to your kind notice that he had given consent to receive the pending rent of Rs 70,4652/- from Tasmac authority for the property he rented to them from 29.10.2020 onwards.

Further, it is also brought to your notice that the key for the concerned property is in possession with the Tasmac authorities since 29.10.2020 and it is not handed over to my father yet.'

*Thanks and regards,
D.Palanikkumar”*

MEMO FILED BY THE 4th RESPONDENT

“This respondent humbly submits as follows:-



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1. This respondent agreed to open the shop bearing number 3999, on 26.07.2021, at the petitioner's premises vide letter dated 14.07.2021, bearing No.Na.Ka.No.166/2021/A. This Hon'ble Court recorded the same and disposed off the above W.P.No. 12828 of 2021. There after this respondent unable to open the said shop due to various reasons, including there was a protest and agitation by local people in that vicinity for opening the shop in petitioner's premises.

2. Thereafter to obey this Hon'ble Court order as stated supra, shop bearing number 3999, on 14.10.2022, at the petitioner's premises.

3. It is further humbly submitted that this petitioner opened the shutter of the shop to commence the business by this respondent, he never handed over the shop key to this respondent. After the business hour the shop supervisor locked the shop with new lock and key brought by him.

4. There after the next day around 12 noon when the staff of this respondent try to open the shop, around 100 people in that vicinity including women gather in front of shop and started protest and agitation to not to open the shop. The Jurisdictional Law & Order Police personals prevented them from entering the shop. There after the Police personals informed the Taluk Tasildhar, who immediately rushed to the shop and persuaded the protesting people and assured them that he would take suitable action in this regard. In spite of assurance by Taluk Tasildhar people continued their protest.

5. There after the Jurisdictional Inspector of Police, Law & Order directed this respondent Staff to close down the shop and he intimated this respondent to close down shop bearing number 3999, permanently, citing the law & order satiation.

6. This respondent vide her letter 15.10.2022, closed down the shop permanently, by only closing the shutter and not locked it, it is pertinent to mention that the petitioner never ever handed over lock & key of the shop to this respondent and / or to their staff and there is no rental agreement entered in to between this respondent & petitioner.



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7. It further humbly submitted that as per the direction this Hon'ble Court, now paying the rent @ Rs.4,800/- per month, from the date of agreed to open the shop i.e. 26.07.2021 till the date of closer of the shop i.e.15.10.2022 (i.e 14 months 21 days) all totaling Rs.70,452/- (Rupees Seventy Thousand Four Hundred and Fifty Two Only), by way of Cheque dated 12.12.2022, bearing No.892523, drawn on State Bank of India, Thirupur Branch.

It is therefore prayed that this Hon'ble Court may be pleased to record this memo, and pass suitable order/s in the above Contempt Petition and thus render justice.

Dated at Chennai on this, the 12th day of December 2022."

3.In light of the narration as above and as no case is made out for contempt, this Contempt Petition is closed. No costs.

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Index : Yes / No

Speaking Order/Non-Speaking Order

To

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