



WEB COPY



W.A.No.1595 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.07.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE N.MALA

Writ Appeal No.1595 of 2022
and
C.M.P.No.10603 of 2022

The District Manager,
TASMAC Department,
Chennai South District,
B-4, Ambattur Industrial Estate,
Chennai South District,
Chennai-600 058.

.. Appellant

Vs.

1. A.M.Jamal Mohammed Ibrahim
- 2.The District Collector,
Office of the Collectorate,
Rajaji Salai, 4th Floor,
62, Beach Road,
George Town, Chennai-600 001.
3. The Managing Director,
TASMAC Limited,
Thalamuthu Natarajan Building,
4th Floor, 2nd Block,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
4. The South Regional Manager,
TASMAC Limited,
735, IV Floor, L.L.A.Building,
Anna Salai, Chennai-600 002.

.. Respondents



W.A.No.1595 of 2022

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.04.2022 passed by the learned Single Judge, in W.P.No.10301 of 2021, on the file of this Court.

For appellant : Mr.P.Arumugarajan

For respondents: M/s.N.Lalitha for R-1

Mr.P.Muthukumar, State Govt. Pleader for R-2

JUDGMENT

(The Judgment of the Court was delivered by The Honourable Chief Justice)

The writ appeal has been filed to challenge the order dated 22.04.2022 passed by the learned Single Judge in W.P.No.10301 of 2022. The writ petition was filed by the first respondent herein to seek a direction against the writ appellant to vacate the shop. The writ appellant took a decision to relocate the shop and, accordingly, two months' time was granted by the learned Single Judge to relocate the shop.

2. The issue has a chequered history in regard to the leasing out of the property. A erstwhile owner of the property leased out the property to the writ appellant, the District Manager, TASMAL Department. Subsequently, the property was purchased by the first respondent. Since the first respondent had not directly executed the lease in favour of the TASMAL, the only issue



W.A.No.1595 of 2022

raised in this appeal is regarding the direction given by the learned Single Judge to make the payment of lease amount to the writ petitioner, being the present owner.

3. According to the appellant/TASMAC, the payment of rent has to be given to the person from whom they had taken the shop on lease and cannot be directly given to the present owner/landlord of the shop, because it is not a case of direct lease from the owner of the shop. The limited prayer is thus to modify the order of the learned Single Judge only to the extent that the appellant may be allowed to pay the rent to the erstwhile owner, who had leased out the property to TASMAC.

4. Learned counsel appearing for the first respondent has no objection to it. The only prayer is to relocate the shop.

5. In view of the above, the order of the writ court is modified in regard to payment of lease amount to the first respondent, rather it is allowed to be paid to the erstwhile owner/lessor, from whom the lease was taken by the TASMAC. The lease amount shall be paid by the writ appellant to the erstwhile owner/lessor. It is clarified that the writ appellant shall relocate the shop within a period of four months from today.



W.A.No.1595 of 2022

WEB COPY

6. With the aforesaid observations and direction, the Writ Appeal is disposed of. There shall be no order as to costs. Consequently, C.M.P. is closed.

(M.N.B., C J) (N.M.,J)
07.07.2022

Index: Yes/no
Speaking Order: Yes/no
CS



W.A.No.1595 of 2022

To

1. The District Manager,
TASMAC Department,
Chennai South District,
B-4, Ambattur Industrial Estate,
Chennai South District, Chennai-600 058.
2. The District Collector,
Office of the Collectorate,
Rajaji Salai, 4th Floor,
62, Beach Road, George Town, Chennai-600 001.
3. The Managing Director,
TASMAC Limited,
Thalamuthu Natarajan Building,
4th Floor, 2nd Block,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
4. The South Regional Manager,
TASMAC Limited,
735, IV Floor, L.L.A. Building,
Anna Salai, Chennai-600 002.



WEB COPY



W.A.No.1595 of 2022

THE HONOURABLE CHIEF JUSTICE

and

N.MALA, J

CS

W.A.No.1595 of 2022

07.07.2022