



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.17857 of 2018
and
W.M.P. No. 21153 of 2018

R.Anbalagan,
S/o. G.Ramasamy

... Petitioner

Vs.

1. The Chairman,
Puducherry Housing Board,
Chief Secretariat,
Puducherry.

2. T.Rajmohan,
S/o. Thirunavukkarasu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to allot Shop No.14 situated at Indira Nagar, Gorimedu, Puducherry-605 006 in favour of the petitioner.

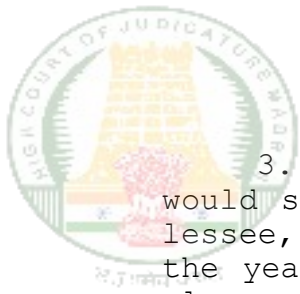
For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.T.M.Naveen for R1

O R D E R

This Writ Petition has been filed seeking a direction directing the 1st respondent to allot Shop No.14, situated at Indira Nagar, Gorimedu, Puducherry.

2. The grievance of the petitioner is that, the 2nd respondent was a original lessee under the 1st respondent Housing Board and he has sublet the property to the petitioner in the year 2017. Thereafter, the petitioner is only paying lease amount. Now, all of a sudden, the 1st respondent is taking steps to evict the petitioner. Hence, the present Writ Petition has been filed.



3. Mr.M.Gnanasekar, learned counsel appearing for petitioner would submit that, even though the petitioner is not a original lessee, he is in possession and enjoyment of the property from the year 2017 and regularly paying the lease amount, and he has also not committed any default, and the 2nd respondent is not interested in getting the shop. Hence, the shop may be allotted to the petitioner.

4. Mr. T.M.Naveen, learned counsel appearing for 1st respondent Housing Board would submit that, originally, the shop was leased out to the 2nd respondent and in violation of condition, he has sublet the property to the petitioner. Hence, the lease was terminated. Now, the petitioner has no right to hold the property. Therefore, the Board is taking steps to evict the petitioner, and after evicting the petitioner, the 1st respondent is proposed to lease out the property by way of public auction. At this juncture, learned counsel appearing for petitioner submitted that, he is not aware of the fact that, the lease granted in favour of 2nd respondent was terminated and in those circumstances, he is ready and willing to vacate the shop within a period of two months. Thereafter, the 1st respondent may be directed to conduct public auction for allotment of the property. He has also filed an affidavit to that effect.

5. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

6. Considering the fact that, the petitioner is only a sub-lessee and now, lease granted in favour of original lessee/2nd respondent has been terminated, he has no right to hold the property. However, considering the fact that, the petitioner is running the shop and he requires some time to vacate the premises, as per the undertaking given by the petitioner, he is directed to vacate the premises on or before 31.05.2022. Thereafter, the 1st respondent is directed to conduct public auction to lease out the property and the petitioner is also permitted to participate in the public auction. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

rpp



To

The Chairman,
Puducherry Housing Board,
Chief Secretariat,
Puducherry.

+1cc to Mr.T.M.Naveen, Advocate SR.No.22535

W.P.No.17857 of 2018

SKM(CO)
GMY (24/05/2022)