



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19629 of 2020

And

W.M.P.Nos.24259, 24261 and 24263 of 2020

G.Suresh Kumar

... Petitioner

Vs.

1.The State rep. by
The Chief Engineer
Public Works Department (Water Resource Department)
Chepauk, Chennai.

2.The Executive Engineer
Public Works Department (Water Resource Department)
Parambikulam Division
Parambikulam and Post.

3.The Superintending Engineer
Public Works Department (Water Resource Department)
Parambikulam Aliyar Vadinila Vattam,
Udumalaipet Road,
Makkinampatti, Pollachi.

4.The Assistant Engineer,
Public Works Department,
Cantour Canal Division-II
Aliyar Nagar 642 101.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 08.12.2020 bearing letter No.OO.PO/ Si.Si.Pirivu.2/Ko.Kadaikal-/7/2020 passed by the 4th respondent and to quash the same and consequently direct the 4th respondent to extend the lease period for the next one year without insisting to pay 10% with GST in addition to the lease amount of one year for enable me to carry the business for my livelihood pursuant to my representation dated 12.12.2020.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mrs.C.Sangamithirai
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 08.12.2020 bearing letter No.00.PO/ Si.Si.Pirivu.2/Ko.Kadaikal-/7/2020 passed by the fourth respondent and to quash the same and to consequently direct the fourth respondent to extend the lease period for the next one year without insisting to pay 10% with GST in addition to the lease amount of one year pursuant to his representation dated 12.12.2020.

2.The case of the petitioner is that he is a physically challenged person. He participated in the public auction in respect of the vacant plot situated opposite to Aliyar Dam Park and became successful bidder and vide order dated 13.10.2017, he was allotted shop no.6 for carrying on business for the period from 16.10.2017 to 15.10.2020. Thereafter on account of COVID - 19 lockdown, the shop was closed without any business, however, the third respondent passed the impugned order directing the petitioner to deposit appropriate amount for extension of lease period or to vacate the premises and to hand over vacant possession on or before 14.12.2020. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that since this Court has granted order of status - quo, the petitioner in possession of the premises till date and is paying the rent periodically to the respondents. The learned counsel further submitted that the petitioner is ready to vacate the premises within a period of two weeks from the date of receipt of a copy of this order by settling all the dues.

4.In view of the above, the petitioner is directed to vacate the premises and hand over vacant possession of the premises to the respondents within a period of two weeks from the date of receipt of a copy of this order by settling the entire arrears/dues, if any. If any demand is made by the respondents, the petitioner shall settle the same, within a period of four weeks from the date of receipt of such demand. If any concession is given to similarly situated persons, the respondents shall extend the same to the petitioner also.

5.This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar



pri
To

- 1.The Chief Engineer
Public Works Department (Water Resource Department)
Chepauk,
Chennai.
- 2.The Executive Engineer
Public Works Department (Water Resource Department)
Parambikulam Division
Parambikulam and Post.
- 3.The Superintending Engineer
Public Works Department (Water Resource Department)
Parambikulam Aliyar Vadinila Vattam,
Udumalaipet Road,
Makkinampatti,
Pollachi.
- 4.The Assistant Engineer,
Public Works Department,
Cantour Canal Division-II
Aliyar Nagar 642 101.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.7923
+1cc to the Government Pleader, S.R.No.7738

W.P.No.19629 of 2020
And
W.M.P.Nos.24259, 24261
and 24263 of 2020

PMK (CO)
SB(09/03/2022)