



WMP.No.26154/2022 in W.P.No.16354/2021

**THE HON'BLE ACTING CHIEF JUSTICE
and
K.KUMARESH BABU, J.**

(Order of this Court was made by the Hon'ble Acting Chief Justice)

This WMP. has been filed seeking to extend the time granted to the petitioner herein/8th respondent therein, in W.P.No.16354/2021 by this Court in an order dated 12.8.2022, for vacating the premises-in-question by granting a further period of four months.

2. This Court, by an order dated 12.8.2022 passed in W.P.No.16354/2021 granted 3 weeks' time to the tenants/respondents 7 to 9 therein, to make suitable alternative arrangements for shifting their business place and thereafter, further 3 weeks' time was granted to the petitioner therein/1st respondent herein, the owner of the building, to rectify the deviated portions.

3. Now the petitioner herein has filed an affidavit of Undertaking seeking four months' time for vacating the premises-in-question on the premise that he has borrowed a housing loan from the bank and if he is shifting his business centre, he would not be in a



position to continue his business and the same would cause impact on his livelihood and further lead to classify his account as NPA. Therefore, it is pleaded by the learned Counsel for the petitioner that if the petitioner is granted four months' time to vacate the premises-in-question, no prejudice would be caused to the 1st respondent.

4. Mr.S.Ilamuhil, learned Counsel takes notice for 1st respondent; Mrs.R.Anitha, learned Special Government Pleader takes notice for respondents 2 and 3; Mr.S.Gopinathan, learned Counsel takes notice for respondents 4 to 7; and Mr.J.R.K.Bhavanathan, learned Counsel takes notice for respondents 8 and 9.

5. Though the learned Counsel for the writ petitioner/1st respondent raised objections, considering the facts and circumstances of the case, it appears that the petitioner herein is carrying on textile business for nearly 45 years in the premises-in-question, further a stock value of Rs.5,00,000/- has also been placed in the said premises and that he has also availed loan from the bank for developing his business. Therefore, we are of the view that shifting his business place, all of a sudden, would cause some difficulty to the petitioner herein in paying the monthly instalments to the bank. Hence, accepting



the affidavit filed by the petitioner herein, we hereby grant time till 30.01.2023 as prayed for by the petitioner to vacate and handover the vacant possession to the owner of the premises/the 1st respondent herein.

6. At this stage, learned Counsel for the writ petitioner/1st respondent herein submitted that out of the 3 tenants, one of the tenants has already been vacated and yet another tenant is continuing his business in the same premises and in the event of granting extension of time to the present petitioner, the landlord may not be able to rectify the defects within the time given by this Court in the order dated 12.08.2022.

7. Taking into account the submissions now made by the learned Counsel for the writ petitioner, after the petitioner handing over the vacant possession of the premises-in-question, we grant three weeks time to the writ petitioner to rectify the deviations pointed out by the authorities concerned.



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8. The WMP. is ordered accordingly.

(A.C.J.,T.R.,J.) (K.B.,J.)

29.11.2022

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