



W.P.No.4780 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.4780 of 2017

1.R.Vishnu
2.R.Srinivasan
3.R.Satish
4.Jothi
5.Sridevi
6.Andal

... Petitioners

Vs.

1.M/s.Hindustan Petroleum Corporation Limited
Represented by its Chief Regional Manager
Petro Bhavan, II Floor, No.82 TTK Road
Alwarpet, Chennai 600018

2.M/s.Karthikeyan Auto Services
No.266, Gandhi Road
Arni, Thiruvannamalai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to handover the vacant possession of the premises to the petitioners situated at No.226, Gandhi Market, Arni District and consequently to pay the arrears of rent along with interest till date.



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For Petitioners : Mr.R.Karthikeyan
For Respondents : Mr.M.Vijayan
for King & Patridge for R1
No Appearance for R2

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to handover the vacant possession of the premises to the petitioners situated at No.226, Gandhi Market, Arni District and consequently to pay the arrears of rent along with interest till date.

2.The case of the writ petitioner is that, in the earlier petition decided by this Court in W.P.No.6349 of 2014 on 09.12.2021, the respondents have given an undertaking before this Court that they have decided to vacate the premises within a period of four months. Despite the same, nothing is happening and they have not vacated the premises till now. Accordingly, prays for appropriate orders.



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3.Learned counsel for the respondents would submit that in pursuant to the undertaking given before this Court in W.P.No.6349 of 2014, letter has been sent to the writ petitioners on 19.07.2022 to be present in their respective premises, so that the respondents can handover the possession after removing the tank installed in the premises, however, the petitioners have not turned up. He added that the respondents themselves have now decided to vacate and handover the premises in the presence of the writ petitioners, as their presence is very much essential while removing the tank installed by the respondents in the premises to enable them to handover the possession.

4.Such view of the matter, the petitioners are hereby directed to present in the premises after fixing the date with the respondents. Thereafter, the respondents shall handover the possession with arrears of rent as admitted by them to the petitioners after removing the tank installed in the premises. Such exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.



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N.SATHISH KUMAR, J.

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5.This Writ Petition stands disposed of accordingly. No costs.

16.11.2022

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Index: yes / no

Internet: yes / no

Speaking / Non speaking

To

M/s.Hindustan Petroleum Corporation Limited
Represented by its Chief Regional Manager
Petro Bhavan, II Floor, No.82 TTK Road
Alwarpet, Chennai 600018

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