



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.21 of 2022

and

CMP(MD)No.525 of 2022

The Commissioner,
Madurai Corporation.
Aringar Anna Maligai,
Madurai.

... Appellant/ Respondent

vs.

Dheenadhayalan

... Respondent/ Writ Petitioner

Appeal filed under Clause 15 of Letters Patent, against the order dated 12.01.2022 passed in W.P(MD)No.761 of 2022.

Prayer in WP(MD) . 761/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a writ order or direction in the nature of Writ of Mandamus directing the respondent to reopen the premises of Block No.3, Ranimangammal chatiram, Madurai belongs to the respondent and refix the rent to the above premises.

For Appellant : Mr.R.Murali
For Respondent : Mr.S.Sukumar

JUDGMENT

(Judgment of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The Writ Appeal is directed against the order dated 12.01.2022 passed in W.P(MD)No.761 of 2022.

2. The order impugned is the interim relief granted to the writ petitioner who was in occupation of a shop in Block No.3, Rani Mangammal Chatiram, North Veli Street, Madurai. The said shop which was in possession of the writ petitioner was locked by the Madurai Corporation, the appellant herein, for default in payment of rent. By an interim order, this Court had permitted the writ petitioner to remove the accessories and mobile phones which he has been dealing



with in the said premises within a period of three hours on 13.01.2022. The abovesaid order was passed in the presence of both the counsels.

3. The only grievance of the appellant is that the writ petitioner is in arrears of rent to the tune of Rs.91,94,046/- upto January 2022. Therefore, he should not be allowed to remove the articles as the same would jeopardise the interest of the Corporation.

4. As the Corporation has already sealed the premises for the default in payment of rent, it is open to the Corporation to recover the arrears in a manner known to law. No prejudice will be caused by allowing the writ petitioner to remove his articles inside the premises. Merely because the articles are mobile phones and accessories which are imperishable goods, the appellant cannot detain them by crippling the business of the petitioner. However, we make it very clear that it is open to the Corporation to recover the arrears of rent from the writ petitioner in the manner known to law. Besides, the writ petition is pending and the said aspects may be agitated during the final hearing of the writ petition.

5. In the light of the above, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

The Commissioner,
Madurai Corporation.
Aringar Anna Maligai,
Madurai.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-2946[F] dated 28/01/2022)

W.A(MD)No.21 of 2022

DATED : 28.01.2022

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