



W.P.No.5510 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.5510 of 2023

Murugan

... Petitioner

Vs

1. The Commissioner,
HR & CE Department,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner, Chennai Division – 2,
HR & CE Department, Ramakrishna Road,
Nungambakkam, Chennai – 600 034.
3. The Assistant Commissioner, Chennai Division,
HR & CE Department, Yadava Street, Padi,
Chennai – 600 050.
4. The Executive Officer,
Arulmighu Ramanatheeswarar Temple,
Porur, Chennai – 600 015.

Respondents

...

Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the



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lock and seal of the building and premises admeasuring 2400 sq.ft. of land comprised in Sy. No.362/3, Door No.1/7, R.E.Nagar, West Street, Porur, Chennai – 600 116.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.N.R.R.Arun Natarajan
Spl. Government Pleader [HR & CE]
– R1 to R4

ORDER

This Writ Petition has been filed to direct the respondents to remove the lock and seal of the building and premises admeasuring 2400 sq.ft. of land comprised in Sy. No.362/3, Door No.1/7, R.E.Nagar, West Street, Porur, Chennai – 600 116.

2. The case of the petitioner is that the subject property has been leased out to one Manickammal, grandmother of the petitioner herein. Even during the lifetime of the said Manickammal, her son Neelakandan had taken care of the property and put up superstructure in the property with his own cost and was paying rents to the third respondent. After his life time, the petitioner is taking care of the property and continued to pay



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the rents and the same is accepted by the respondents and also recognized the petitioner as a tenant. While so, by citing the impugned Order dated 29.02.2016, the fourth respondent sealed the portion of the petitioner.

3. The learned Special Government Pleader appearing for the respondents would submit that fair rent has been fixed in the year 2016 and the same has not been challenged by the petitioner. Further, action under Section 78 of HR & CE Act has been initiated and the same has also not been challenged by the petitioner.

4. At this stage, the learned counsel appearing for the petitioner submitted that the petitioner is ready to pay entire arrears of rent payable to the respondents.

5. The learned Special Government Pleader submitted that as on today, the petitioner is liable to pay a sum of Rs.20,65,524/- towards arrears of rent.

6. The learned counsel appearing for the petitioner submitted that the



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petitioner is ready to pay a sum of Rs.10,00,000/- within a period of four weeks and he may be permitted to pay the balance amount in instalments.

7. In such view of the matter, the petitioner is directed to pay a sum of Rs.10,00,000/- [Rupees ten lakhs only] within a period of four weeks from the date of receipt of a copy of this Order. On such payment being made, the fourth respondent shall remove the lock and seal. The petitioner shall pay the remaining amount within a period of 6 months. If the arrears of rent is not paid within the time fixed by this Court, it is open to the respondent to proceed against the petitioner for eviction. That apart, the petitioner shall also file necessary application before the respondents to regularize his tenancy and thereafter, the petitioner is directed to pay the fair rent fixed by the respondents without any default.

8. With the above directions, this Writ Petition is disposed of. No costs.

02.03.2023

Index:Yes/No



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Neutral Citation : Yes/No

vrc

To,

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N.SATHISH KUMAR, J.

VTC

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