



Writ Petition No.24974 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.08.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.24974 of 2023

M.Arumugam

... Petitioner

Vs

1.The Commissioner,
HR and CE Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Chennai – 34.

2. The Joint Commissioner,
HR and CE Department,
No.127, Yathaval Street,
Padi, Chennai – 50.

3.The Assistant Commissioner,
HR and CE Department,
No.127, Yathaval Street,
Padi, Chennai – 50.

4.The Executive Officer,
Arulmighu Muthukumarasamy Devasthanam,
Tmt.Chamundeeswari Ammal Arakkattalai,
No.44, Rasappa Chetty Street,
Park Town, Chennai – 3.

... Respondents



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PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to de-seal the premises bearing Door No.175, Thambu Chetty Street, Chennai – 600 001, so as to enable the petitioner to take back his case bundles, law Books and Law Journals, important original documents, computers, 4 AC units, Tables, 6 Ceiling fans, Book Racks, TV, CCTC Cameras, inverter, Glass Doors and Glass Shelves within a time fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR &CE)

ORDER

This writ petition is filed seeking a direction to the respondents to de-seal the premises bearing Door No.175, Thambu Chetty Street, Chennai – 600 001, to enable the petitioner to take his belongings.

2. It is seen from the affidavit filed in support of the writ petition and the counter affidavit filed by the 4th respondent, a proceedings under Section 78 of HR & CE Act has been initiated against the petitioner and one B.Manish Sha, in respect of the above said premises and the same culminated in passing the order of the eviction on 13.03.2023. A revision



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petition filed by one B.Manish Sha, challenging eviction order passed in the 78 proceedings before the first respondent was dismissed on 13.03.2023.

Thereafter, the 4th respondent had taken possession of the premises on 18.03.2023 and sealed the building.

3. Some of the occupants of the building filed a writ petition before this Court in W.P.No.19714 of 2021 and as per the order dated 21.03.2023, some of them were allowed to remove the belongings on 21.03.2023. It is also stated by the 4th respondent in his counter affidavit that the representative of the petitioner was allowed to remove the belongings from Room No.1 in the first floor of the building on 21.03.2023. Thereafter, the said writ petition was dismissed and subsequently, in an appeal filed in W.A.No.2918 of 2021 by above said B.Manish Sha based on the undertaking given by four Advocates, who were occupants of the building, they were permitted to occupy the building till 30.06.2023 on specific undertaking. The Special Leave Petition filed against the order passed in W.A.No.2918 of 2021 was also dismissed by the Apex Court.



4. The learned counsel appearing for the petitioner submitted that the petitioner submitted a representation on 31.07.2023 to the respondents requesting them to remove the lock and seal to enable him to take away his belongings. However, the same has not been considered. It is also stated by the learned counsel appearing for the petitioner that he could not approach this Court immediately as he was taking treatment for knee pain. He further submits that on 21.03.2023 only bundles, Robes etc were removed and other articles like furnitures, A.C's etc were not removed.

5. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents by taking this Court to counter filed by him submitted that as per the order passed by this Court, the petitioner and other occupants were allowed to remove the belongings and in fact on 21.03.2023 one B.Kalai Selvi representative of the petitioner was allowed to remove the belongings from Room No.1 in the first floor of the building. He further submits that the respondents are ready to open the building for one day to enable the petitioner to remove his belongings if any, from Room No.1 of the first floor.



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6. In view of the said submission, the 4th respondent is directed to allow the petitioner to remove his belongings from Room No.1 of the first floor of the building in Door No.175, Thambu Chetty Street, Chennai -1, on 02.09.2023 from 10.00 a.m., to 06.00 p.m.

7. It is made clear that the petitioner is entitled to remove his belongings only from Room No.1 of the first floor and the entire process can be videographed.

8. Though the learned counsel appearing for the petitioner submitted that the petitioner has got some articles in the ground floor of the building and the same is opposed by the learned Special Government Pleader appearing for the respondents. In view of the dispute, with regard to the ownership of articles allegedly available in the ground floor, it is open to the petitioner to workout his remedy in the manner known to law before the Civil Court.

9. The learned Special Government Pleader submits that the petitioner is in arrears of rent to the tune of Rs.82,00,000/-. It is needless to



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say that the 4th respondent is at liberty to proceed against the petitioner in accordance with law, in respect of the arrears, if any.

10. With these directions, the writ petition stands disposed of.

No costs.

25.08.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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Note: Issue order copy on 30.08.2023.



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WEB COPY

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S.SOUNTHAR, J.
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