



W.P.No.1736 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.1736 of 2024
and W.M.P.No.1780 of 2024

M.Sumathi

...

Petitioner

/vs/

1. The Secretary to Government,
Department of HR & CE,
Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Department of HR & CE,
Nungambakkam,
Chennai – 600 034.
3. The Joint Commissioner,
Department of HR & CE,
Mylapore,
Chennai – 600 004.
4. The Executive Officer,
Arulmigu Karaneeswarar Thirukoil,
Saidapet, Chennai – 600 015.
5. D.Rajasekaran

... Respondents



W.P.No.1736 of 2024

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to proceedings in R.C.No.46944/2022 D2 dated 26.10.2022 passed by the second respondent herein and quash the same, consequently directing the first respondent to allot the shop in the name and style of Bhoopathy News Mart, at No.92/2, K.P.Koil Street, Saidapet, Chennai in favour of the petitioner for which the petitioner has sent appeal to the first respondent on 04.10.2023.

For Petitioner	...	Mr.J.William Shakesphere
For Respondents	...	Mr.N.R.R.Arun Natarajan Special Govt. Pleader (HR & CE) for R1 to R4

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent in R.C.No.46944/2022 D2 dated 26.10.2022 and consequently to direct the first respondent to allot the shop in the name and style of “Bhoopathy News Mart” situated at No.92/2, K.P.Koil Street, Saidapet, Chennai in favour of the petitioner.

2. The petitioner is a sub-tenant under the fifth respondent for whom the shop situated under HR & CE property has been let out.

3. The petitioner submitted that he has given Rs.50,000/- to the fifth



W.P.No.1736 of 2024

respondent for running the shop as sub-tenant and he is in possession of the same. Since the original tenant who is the 5th respondent, had defaulted to pay the rent due to the fourth respondent, the shop was sealed.

4. The very same petitioner has filed another writ petition in W.P.15637 of 2023 seeking direction against the respondents 1 to 4 to allot the premises in his favour and to enable him to run the shop. In the said order itself it has been observed that the tenancy has been granted with a condition that it should not be sub-let to any one. Further it has been observed that the original tenant, the fifth respondent herein, has deposited a sum of Rs.10,00,000/- and a fair rent has also been fixed for the property.

5. In accordance with the terms of the tenancy, it is the fifth respondent who can seek to de-seal the premises and it is up to the respondents 1 to 4 to initiate action as against the original tenant for having sub-let the property by violating the Terms of Tenancy.

6. Since the petitioner does not have any legal right as against the respondents 1 to 4 and he has already filed a writ petition to transfer the



W.P.No.1736 of 2024

tenancy in his name and the same was dismissed, this Writ Petition itself is not maintainable.

7. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

30.01.2024

Index: Yes / No

Speaking order / Non-speaking order

bkn



W.P.No.1736 of 2024

To:

WEB COPY

1. The Secretary to Government,
Department of HR & CE,
Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Department of HR & CE,
Nungambakkam,
Chennai – 600 034.
3. The Joint Commissioner,
Department of HR & CE,
Mylapore,
Chennai – 600 004.
4. The Executive Officer,
Arulmigu Karaneeswarar Thirukoil,
Saidapet, Chennai – 600 015.



WEB COPY



W.P.No.1736 of 2024

R.N.MANJULA ,J.

bkn

W.P.No.1736 of 2024

30.01.2024