



WEB COPY



W.P.Nos.2094, 2096 & 2097 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.2094, 2096 & 2097 of 2024

1.S.Manoharan	... Petitioner in W.P.No.2094 of 2024
2.P.Rajeswari	... Petitioner in W.P.No.2096 of 2024
3.S.Bhaskaran	... Petitioner in W.P.No.2097 of 2024

Vs.

1.Coimbatore City Corporation,
Rep by its Commissioner,
Coimbatore District.

2.The Assistant Commissioner,
Central Zone,
Coimbatore City Corporation,
Coimbatore District.

... Respondents in all W.Ps

Prayer in all W.Ps: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to break open the seal and handover possession of Shop Nos.3,4 and 5, Corporation Complex, N.H.Road, Coimbatore, to the petitioners.

For Petitioners : Mr.A.Mohamed Ismail

For Respondents : Mr.K.M.D.Muhilan, Standing Counsel for
Coimbatore Corporation



W.P.Nos.2094, 2096 & 2097 of 2024

COMMON ORDER

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These Writ Petitions have been filed seeking issuance of a Writ of Mandamus, to direct the respondents to break open the seal and handover the possession of Shop Nos.3,4 and 5, Corporation Complex, N.H.Road, Coimbatore, to the petitioners.

2. Heard Mr.A.Mohamed Ismail, learned counsel for the petitioners and Mr.K.M.D.Muhilan, learned Standing Counsel for the Coimbatore Corporation.

3. The petitioners who claim to be the licensees under the respondent Corporation have stated that the respondent Corporation has locked and sealed the premises without giving them any opportunity and they have been evicted in the unlawful manner.

4. The learned counsel for the petitioners submitted that the petitioners have filed a Petition in RCOP.No.15 of 2015 to allow them to deposit the rent into Court and O.S.No.384 of 2014 has been filed



W.P.Nos.2094, 2096 & 2097 of 2024

seeking a decree to not evict the petitioners except in accordance with the due process of law. So, it is further submitted that despite the petitioners have obtained a decree and an order in the Rent Control proceedings, they have been evicted in an unlawful manner by having the premises under lock and seal.

5. The petitioners are only the licensees in the respondents' premises and they cannot claim themselves as tenants who has a safeguard prescribed under Rent Control Act. Just because the Rent Controller was pleased to allow them to deposit the rent into Court, the petitioners cannot claim that they have to be evicted only in accordance with the Rent Control proceedings. However, in the decree obtained by the petitioners on 28.02.2018, it has been stated that the petitioners shall not be evicted without resorting to due process of law. In such case, the petitioners ought to have been given with notice before putting the premises under lock and seal.



W.P.Nos.2094, 2096 & 2097 of 2024

6. The learned counsel for the petitioners submitted that the petitioners have not been given with any notice.

7. However, the learned Standing Counsel for the respondents submitted that the lock and seal action has been initiated only after putting the petitioners on notice.

8. It is seen from the notice that the shops have been locked and sealed because the petitioners have defaulted in paying the license fee. In that case, it is upto the petitioners to give a representation to the respondent Corporation by paying all the arrears of rent and requesting to unseal the premises. If such a request is made by the petitioner, the respondents can consider the same and pass appropriate orders.

9. In the result, these Writ Petitions are disposed and the petitioners are at liberty to give a representation to the respondents by paying all the arrears of rent to unseal the premises, within a period of two weeks from the date of receipt of a copy of this order. On receipt of



W.P.Nos.2094, 2096 & 2097 of 2024

the same, the respondents are directed to dispose the same by passing appropriate orders in accordance with law and unseal the premises, within a period of two weeks thereafter. However, this order should not be construed as an extension of license granted to the petitioners because the renewal of license can be done by the appropriate authority in a manner known to law. No costs.

01.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
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W.P.Nos.2094, 2096 & 2097 of 2024

R.N.MANJULA, J.

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To

- 1.The Commissioner,
Coimbatore City Corporation,
Coimbatore District.
- 2.The Assistant Commissioner,
Central Zone,
Coimbatore City Corporation,
Coimbatore District.

W.P.Nos.2094, 2096 & 2097 of 2024

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