



WEB COPY



W.P.No.10252 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10252 of 2020
and
W.M.P.No.12632 of 2020

Vijayendran

...Petitioner

-Vs-

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Block Development Officer,
Kollidam,
Nagapattinam District.

3.The President,
Gopalamuthiram Panchayat,
Kollidam,
Sirkali Taluk,
Nagapattinam District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 25.06.2020 in accordance with law by permitting the petitioner to continue as Tenant on reasonable fair rent, equitable grounds at Shop No.2,



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Periyar Nala Angadi Pudhu Street, Kollidam, Nagapattinam District to secure the ends of justice and pass such further orders.

For Petitioner : Mr.R.Sankarasubbu
For R1 & R2 : Mr.K.Surendran
Additional Government Pleader
For R3 : No appearance

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 25.06.2020 in accordance with law by permitting the petitioner to continue as Tenant on reasonable fair rent and equitable grounds at Shop No.2, Periyar Nala Angadi Pudhu Street, Kollidam, Nagapattinam District.

2. The case of the petitioner is that he was doing business as Petty shop at No.2, Periyar Nala Angadi Pudhu Street, Kollidam, Nagapattinam District from 1991. The said shop was allotted by the third respondent and the rent is to be raised every year as per G.O.Ms.No.285. At the threat of being evicted by respondents 2 and 3, who were plotting to auction, the petitioner filed a suit in O.S.No. 57 of 2013 before the District Munsif Court, Sirkali, and the same was dismissed.



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3. Learned counsel for the petitioner submits that the third respondent on seeing his pitiable condition permitted him to continue the tenancy and kept accepting the rent paid by the petitioner. However at the insistence of the second respondent, the third respondent refused to receive the rent. The said conduct is illegal and the third respondent is estopped from taking a different stand after receiving the rent after dismissal of suit and the fair rent needs to be fixed.

4. Learned counsel further submits that respondents 2 and 3 are taking coercive steps to evict the petitioner without notice with the help of Police. The said coercive action is impermissible in the eye of the law and in the pandemic conditions. Hence, the petitioner submitted a representation to the first respondent on 25.06.2020 and a copy of the same was submitted to respondents 2 and 3 not to evict from the shop, but the said representation was not considered. Aggrieved by the same, the petitioner has approached this Court by way of filing this writ petition.

5. Heard the learned counsel on either side and perused the materials placed on record.



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6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, the first respondent/ District Collector, Nagapattinam District, is directed to consider the petitioner's representation dated 25.06.2020 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

cda
Index : Yes/No
Speaking/Non Speaking order



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To

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J.SATHYA NARAYANA PRASAD, J.

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