



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.10.2024

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.NO.30521 of 2024

and WMP.No.33132 of 2024

Deepa Agarwal

... Petitioner

Vs.

1. The Commissioner
Hr & CE Board,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2. The Joint Commissioner
Hr & CE Board,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

3. The Manager,
Bairagi Madam Arulmigu Thiruvengadamudaiyan,
Venkatesan Perumal Temple,
NSC.Bose Road, Chennai-79.

.....Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in proceedings N.Dis.in 71721/2023/D2 dated 02.09.2023 on the file of the first respondent pursuant to the order of the second respondent and proceedings M.P.93/2022/E1 dated 30.03.2023 on the file of the 3rd respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the 3rd respondent to receive the arrears amount and desal the premises at S.No.8368 measuring 50 square feet at shop No.112, NSC Bose Road, Chennai-79.



For Petitioners : Mr.R.Poornima

For Respondents : Mr.K.Karthikeyan,

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ORDER

The writ petitioner seeks to quash the proceedings in Dis.in 71721/2023/D2 dated 02.09.2023 on the file of the first respondent pursuant to the order of the second respondent and proceedings M.P.93/2022/E1 dated 30.03.2023 on the file of the 3rd respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the 3rd respondent to receive the arrears amount and desal the premises at S.No.8368 measuring 50 square feet at shop No.112, NSC Bose Road, Chennai-79.

2. It is the case of the petitioners that the petitioner's father was a tenant under the 3rd respondent in respect of the shop No.112 situated in S.No.8368 measuring about 50 sq. ft., NSC Bose Road, Chennai. For non payment of the rent, the impugned order has been passed directing to pay the rent for the shop. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is ready to pay the entire arrears to the respondent. However, this Court may issue a directions to the respondents to desal the said premises.



4. The learned Government Advocate appearing for the respondents submitted that the total arrears is Rs.3,42,679/-. If the petitioner pays the entire arrears, the respondents have no objection to hand over the shop to him.

5. Heard the learned counsel for the petitioner as well as the learned Government Counsel appearing for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court passes the following orders:

"i. The petitioner is directed to pay a sum of Rs.3,42,679/- to the respondents within a period of four weeks from the date of receipt of a copy of this order.

ii. Upon receipt of which, the respondents are directed to hand over the key to the petitioner within a period of one week thereafter.

iii. Further, the respondents are directed to fix a fair rent to the petitioner's shop on par with the other shops within a period of two weeks from the date of receipt of the arrears amount; and

iv. If the petitioner will not comply with the order passed by this Court, the respondents are directed to brought the shop for fresh auction and the petitioner is also entitled to participate in the public auction if he paid entire dues"



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M.DHANDAPANI .J.

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7. With the above directions, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

17.10.2024

To

1. The Commissioner
Hr & CE Board,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2. The Joint Commissioner
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Uthamar Gandhi Salai,
Nungambakkam,
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3. The Manager,
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