



WEB COPY



W.P.Nos. 25054 and 25055 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.Nos.25054 and 25055 of 2017 &
W.M.P.Nos.26460 & 26461 of 2017

Shah Sanitary Store
rep. By its Proprietor Usman Ali
No.48C, Katchaleeswarar
Agraharam Street,
Chennai – 600 001

... Petitioner in both the petitions

Versus

1. The Commissioner,
HR & CE Department,
Chennai – 600 034
2. The Joint Commissioner,
HR & CE Chennai
O/o The Joint Commissioner,
HR & CE Admin Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034
3. The Assistant Commissioner,
HR&CE Chennai,
O/o The Joint Commissioner,
HR & CE Admin Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034
4. The Executive Officer,
A/m. Katchaleeswarar Temple,
No.77, Armanaikaran Street
Chennai – 600 001

...Respondents in both the petitions.



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Prayer in both Petitions: Writ Petitions filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in Rc.Nos.4063/2017 D2 & 2771/2017 D2 dated 05.05.2017 and further direct the 1st respondent herein to consider the revision preferred by the petitioner on merits.

For Petitioner : Mr.I.Abrar MD Abdullah for
Mr.S.Saravana Kumar

For Respondents : Mr.K.Karthikeyan
Government Advocate

COMMON ORDER

Since the parties and the prayers in both the writ petitions are one and the same, they are taken up together and a common order is being passed.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the documents placed on record.

3. It is the contention of the learned counsel for the petitioner that the petitioner is in the business of selling sanitary items to an extent of 2449 sq.ft., While so, the petitioner was served with a order / notice dated 22.07.2016 by the 2nd respondent on the ground of default of payment of rent. Further, the said notice also alleges that several



W.P.Nos. 25054 and 25055 of 2017

notices were issued in the year 2013, 2014 and 2015, however, none of the notices were served on the petitioner or on the premises. As against the order dated 22.07.2016, the petitioner preferred a revision before the 1st respondent with a delay of 24 days in filing the said revision. The said revision was adjourned directing the petitioner to deposit 20% of the arrears and the matter was posted on 07.03.2017. Since the petitioner was unable to arrange for funds, the matter was again posted on 21.03.2017 and thereafter, the matter was not listed and no notice of hearing was served. However, by way of a impugned proceedings passed by the 1st respondent, the petition to condone the delay of 24 days in preferring the revision petition was dismissed without any reason. Aggrieved over the same, the petitioner has come up with the present petition.

4. The learned Government Advocate appearing for the respondents would contend as against the order dated 22.07.2016, the petitioner preferred a revision before the 1st respondent with a delay of 24 days in filing the said revision. The said revision was adjourned directing the petitioner to deposit 20% of the arrears and the matter was posted on 07.03.2017, failing which, the revision was ordered to be



W.P.Nos. 25054 and 25055 of 2017

dismissed. Since the petitioner has not paid the amount as directed, the same was dismissed. Hence pleaded to dismiss the petition.

5. A mere glance of the photographs produced before this Court, would show that the building was in a dilapidated condition and the entire materials of the petitioner were removed. Further, the entire building was demolished and nothing survives for further adjudication. As far as arrears of rent is concerned, the respondents are at liberty to proceed as per the act and rights established therein.

6. In view of the above, the present Writ Petitions are closed. Consequently, connected miscellaneous petitions are closed.

17.04.2024

Index : Yes/No
Internet: Yes / No
Speaking order : Yes/No

ssd



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