



W.P.No.37614 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

W.P.No.37614 of 2024

M.Sundaram

... Petitioner

Vs

1. The Commissioner, Office of the Commissioner,
HR & CE Department, No.119,
Uthamar Gandhi Salai, Nungambakkam,
Chennai - 34.
2. The Joint Commissioner,
Officer of the Joint Commissioner,
HR & CE Department, Salem District 636 001.
3. The Assistant Commissioner,
Office of the Assistant Commissioner,
HR & CE Department,
Arulmigu Vennankodi Muniyappa Swamy Temple,
Omalur Main Road, Jagir Ammapalayam,
Salem 636 302.
4. The Executive Officer,
Office of the Assistant Commissioner,
HR & CE Department,
Arulmigu Vennankodi Muniyappa Swamy Temple,
Omalur Main Road, Jagir Ammapalayam,
Salem 636 302.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the demand notice Na.Ka.No.5400/2024/AA1/dated 21.08.2024 issued by the third respondent and quash the same as illegal and consequently, direct the third respondent to issue fresh revised demand notice, after detecting the amount paid by the petitioner.

For Petitioner : Mr.Ms.N.Fiza Nawab
for Mr.A.Rahul

For Respondents: Mr.K.Karthikeyan, Government Advocate

ORDER

The petitioner herein filed this writ petition challenging the demand notice issued by the third respondent dated 21.08.2024, directing the petitioner to pay a sum of Rs.8,66,900/- towards the arrears of rent for a period from April 2019 to July 2024.

2. It is the case of the petitioner that he paid a sum of Rs.18,050/- each on 23.03.2023, 07.04.2023 and 08.05.2023 and the same has not been taken into consideration by the respondents. It is seen from the



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typed set of papers that the petitioner paid a sum of Rs.1,00,000/- on 14.08.2024 and a sum of Rs.80,000/- on 21.08.2024 and these amounts were given credit to in the calculation annexed with the impugned order.

3. Mr. K.Karthikeyan, learned Government Advocate, who takes notice for the respondents, on instructions, would submit that a sum of Rs.18,050/- paid by the petitioner on three occasions, namely 22.03.2023, 07.04.2023 and 08.05.2023 have been adjusted towards the arrears of rent payable by the petitioner for a period from January 2019 to March 2019 and the present calculation is made only for the subsequent period, namely, April 2019 to July 2024. He also submits that the amount of Rs.2,70,750/- paid by the petitioner on 27.11.2024 was also given credit towards the rental arrears and now, the petitioner has to pay a sum of Rs.6,68,350/- towards the rental arrears for the subsequent period from August 2024 to November 2024.

4. The submission made by the learned Government Advocate is recorded.



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5. Earlier, the petitioner approached this Court in W.P.No.22503 of 2024, wherein, this court has passed the following order.

" Considering the fact and circumstance of the case, this Court directs the third respondent to issue a revised demand of rent to the petitioner after deducting the rent for the lockdown period within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such demand, the petitioner is directed to pay the entire arrears within a period of four weeks thereafter. Further, the petitioner is directed to handover the property after three months. However, liberty is granted to the petitioner to participate in the auction to be conducted.

In the light of the above direction issued to the petitioner earlier, it is for the petitioner to pay a sum of Rs.6,68,350/- to the respondents and to hand over possession of the property to the respondents.

6. By taking into consideration of the facts and circumstance of the case, the petitioner is given time till 30.12.2024 to pay the remaining arrears of rent Rs.6,68,350/- to the respondents and the petitioner shall hand over vacant possession of the property on 30.12.2024, after payment of arrears of rent as stated supra.



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7. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

16.12.2024.

Index : Yes / No

Internet : Yes / No

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To

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S.SOUNTHAR, J.
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