

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.19282 of 2010
& M.P.Nos.2 of 2010 and 1 of 2011

Tamil Nadu Basketball Association,
Rep. By its Hony Secretary,
2nd Floor, Sree Sivam Flats,
No.36/13, Vellala Street,
Kodambakkam, Chennai - 600 024.

...Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town, Chennai - 600 003.

2.The Secretary,
Department of Municipal Administration
and Drinking Water Distribution,
Fort St. George, Chennai - 600 009.

....Respondents

[R2 impleaded as per the order of this Court, dt. 16.09.2011
in M.P.No.2 of 2011 in W.P.No.19282 of 2010]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the record of the respondents culminating with G.O.Ms.No.104, Municipal Administration and Drinking Water Distribution Department dated 26.07.2011 issued by the second respondent and quash the same including the cancellation order dated 14.10.2008 passed by the first respondent and direct the respondents herein to hand over possession of the land and building [more popularly known as the JJ Stadium] comprised in S.No.82/1, Madras Kilpauk Garden, Division No.71, to the petitioner herein forthwith.

[Prayer amended as per the order of this Court, dt. 16.09.2011
in M.P.No.3 of 2011 in W.P.No.19282 of 2010]

For Petitioner : M/s.S.V.Pravin Rathinam

For Respondents : Mr.K.Soundararajan, (for R1)
Mr.V.Shanmuga Sundar, Spl.G.P. (for R2)

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the G.O.Ms.No.104, Municipal Administration and Drinking Water Distribution Department dated 26.07.2011 and direct the respondents to hand over possession of the land and building in S.No.82/1, Madras Kilpauk Garden, Division No.71, to the petitioner forthwith.

2. The petitioner is a lessee of the land belonging to the Chennai Corporation to an extent of 25 plus 10 grounds. The 1st respondent after cancelling the licence, took possession of the property on 23.06.2008. Challenging the order, the present Writ Petition.

3. The learned counsel for the petitioner submitted that the 1st respondent has cancelled the lease unilaterally without putting on notice. It is further contended that the petitioner was paying the lease amount regularly and there was no sub lease and the representation of the petitioner dated 17.05.2010 was not considered by the respondents so far.

4. The learned Standing Counsel for the 1st respondent submitted that due to the failure of the petitioner in paying the licence fee and on the ground of sub lease, the licence granted in favour of the petitioner was cancelled and the respondent-Corporation took possession of the property and after lapse of two years, this Writ Petition came to be filed without any merit and that the respondents are ready to consider the representation of the petitioner, in accordance with law.

5. In the light of the submissions of the learned counsel on either side, this Writ Petition is disposed of with a direction to the 1st respondent to consider the representation of the petitioner dated 17.05.2010 and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this

order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pvs

To

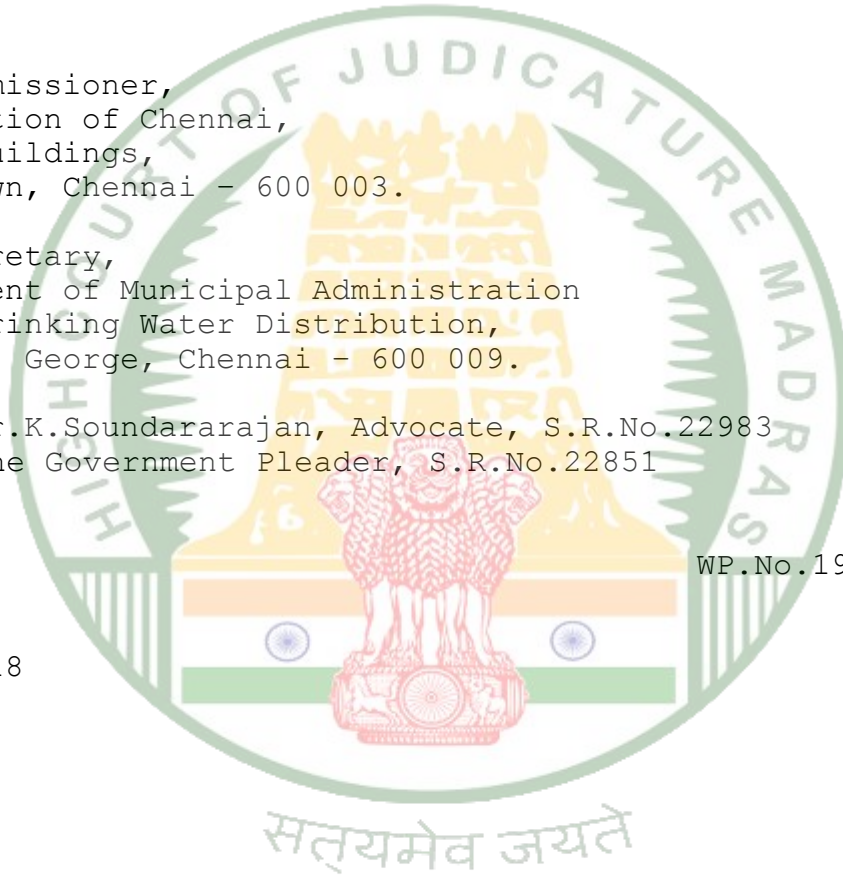
- 1.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town, Chennai - 600 003.
- 2.The Secretary,
Department of Municipal Administration
and Drinking Water Distribution,
Fort St. George, Chennai - 600 009.

+1cc to Mr.K.Soundararajan, Advocate, S.R.No.22983

+1cc to the Government Pleader, S.R.No.22851

WP.No.19282 of 2010

BR(CO)
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