

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.10.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 17816 of 2019
and
W.M.P. No. 17217 of 2019

Sajeev Govindan,
Proprietor - Royal Cafe,
Garden Road,
Udagamandalam 643 001,
Nilgiris District,
Rep. By Power of Attorney
Naresh Desingh,
No.A2, Elkhill Estate,
Bandishola Post,
Coonoor 643 104,
Nilgiris District.

... Petitioner

Vs.

1. The District Collector,
Ex-Officio President,
Assembly Rooms Trust,
No.13, Garden Road,
Udagamandalam,
Nilgiris District.
2. The Estate Officer-cum-
The Revenue Divisional Officer,
Udagamandalam,
Nilgiris District.
3. The Assembly Rooms Trust,
Rep. By its Secretary,
Garden Road,
Udagamandalam,
Nilgiris District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records in respect of the Notice dated 12.06.2019 made in Rc.A2/968/2019 on the file of the Second Respondent herein and quash the same.

For Petitioner : Mr. A.K. Sriram

For Respondents : Mr. R. Venkatesh,
Government Advocate

O R D E R

Heard Mr. A.K. Sriram, Learned Counsel for the Petitioner and Mr. R. Venkatesh, Government Advocate, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, the period of lease under the Lease Agreement dated 26.10.2016 entered between the Third Respondent and the Petitioner had come to an end on 31.03.2019 and proceedings for eviction of the Petitioner from the premises occupied by him had been initiated by the Second Respondent invoking the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 (hereinafter referred to as 'the Act' for short). The Petitioner challenges the impugned notice No. Rc. A2/968/2019 dated 12.06.2019 issued under the Act on the ground that the property cannot be construed as 'Public Premises' merely because the Third Respondent is headed by the Collector of the Nilgiris District.

3. It is evident that the order impugned in the Writ Petition is a show cause notice for which the Petitioner has been required to submit his explanation. The consistent legal position has been reiterated by the Hon'ble Supreme Court of India in Special Director -vs- Mohammed Ghulum Ghouse [(2004) 3 SCC 440], Secretary, Ministry of Defence -vs- Prabhash Chandra Miradha [(AIR 2012 SC 2250] and Life Insurance Corporation of India -vs- A. Masilamani [(2013) 6 SCC 530] that a show cause notice cannot be challenged before completion of enquiry and the proceedings cannot be interfered with in the interregnum till it reaches its logical conclusion.

4. In the aforesaid circumstances, the Petitioner shall submit his explanation with all supporting documents and comply with the requirements sought in the show cause notice No. Rc. A2/968/2019 dated 12.06.2019, by 14.11.2019. The Second Respondent shall after affording full opportunity of hearing, duly consider the explanation of the Petitioner including the dispute relating to treating the property owned by the Third Respondent as 'public premises', deal with each of the contentions raised and pass reasoned orders on merits in accordance with law and communicate the decision taken to the

Petitioner under written acknowledgment. In the event of any adverse decision, it will be certainly open to the Petitioner to pursue appropriate legal remedies to challenge the same before the proper forum in the manner recognized by law. It is needless to add here that till the final decision as aforesaid is communicated to the Petitioner, no coercive action for eviction of the Petitioner from the premises shall be taken.

5. The Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Ex-Officio President,
Assembly Rooms Trust,
No.13, Garden Road,
Udagamandalam,
Nilgiris District.
2. The Estate Officer-cum-
The Revenue Divisional Officer,
Udagamandalam,
Nilgiris District.
3. The Secretary,
Assembly Rooms Trust,
Garden Road,
Udagamandalam,
Nilgiris District.

+1cc to Mr.V.Rajesh, Advocate sr.86436
+1cc to Government Pleader sr.87375

W.P. No. 17816 of 2019

vd(co)
nr 31/10/2019