



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)NO.6614 OF 2020

and

W.M.P(MD)Nos.5965 to 5967 of 2020

V.Sundaralakshmi

:Petitioner

.vs.

1.The Registrar/The Director of Agriculture,
The Registrar of Agro Engineering Service Coop
Services,
Director of Agriculture Office,
Chepauk,
Chennai - 600 005.

2.The President,
O.2236 Tirunelveli District Agro Engineering
and Service Cooperative Society Limited,
No.60F, Thiruvananthapuram Road,
Near New Bus Stand,
Tirunelveli - 627 002.

3.Rtn. Supreeth A.M.Subramanian,
President,
O.2236 Tirunelveli District Agro Engineering
and Service Cooperative Society Limited,
No.60F, Thiruvananthapuram Road,
Near New Bus Stand,
Tirunelveli - 627 002.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the impugned order passed by the second respondent dated 20.5.2020 under Proceeding No.Nil, pertaining to coercively evicting the Petitioner from the rented shop No.5, Ground Floor, located in Survey No.982/5 and 996/3, Kulavanigarapuram Village, Melapalayam Zone, Tirunelveli City and to quash the same as illegal and further to direct the respondents to properly compute the rent and to extend the rental agreement in favour of the Petitioner by following due process of Law by considering the Petitioner's representation dated 21.5.2020.



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For Petitioner : Mr.K.R.Laxman
For Respondent-1 : Mrs.J.Padmavathy Devi
Special Govt.Pleader
For Respondent-2 : Mr.Aayiram K.Selvakumar
Addl.Govt.Pleader

O R D E R

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent, dated 20.5.2020 under Proceeding No.Nil, pertaining to coercively evicting the Petitioner from the rented shop No.5, Ground Floor, located in Survey No.982/5 and 996/3, Kulavanigarpuram Village, Melapalayam Zone, Tirunelveli City and further to direct the respondents to properly compute the rent and to extend the rental agreement in favour of the Petitioner by following due process of Law by considering the Petitioner's representation dated 21.5.2020.

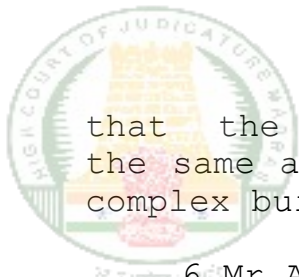
2.Heard Mr.K.R.Laxman, learned counsel for the Petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the first respondent and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the second respondent.

3.By consent of both parties,the Writ Petition is taken up for final disposal at the admission stage itself.

4.The Petitioner is a tenant under the second respondent with respect to Shop No.5,Ground Floor, located in Survey No.982/5 and 996/3, Kulavanigarpuram Village, Melapalayam Zone, Tirunelveli City. This Writ Petition relates only to Shop No.5 which was leased out in favour of the Petitioner by way of a Tenancy Agreement, dated 1.4.2011.The Petitioner claims that he had paid an advance amount of Rs.1,25,000/- and the rent was fixed at Rs.5,800/-p.m. However, in the notice issued to the Petitioner, the respondents have stated that the Petitioner is due and payable towards arrears of rent, a sum of Rs.56,550/- and thereafter a further sum of Rs.11,800/- and had further stated that the total amount of Rs.68,350/- is due and payable by the Petitioner and since he has not paid the same and since the amount is due and payable from July 2018 onwards, notice had been issued directing the Petitioner to evict and hand over the vacant possession of Shop No.5, which is now in the possession of the Petitioner.

5.The learned counsel for the Petitioner stated that notice was issued on 20.5.2020 and states that the Petitioner is seriously handicapped and prejudiced owing to the issuance of notice seeking eviction of Shop No.5. The learned counsel for the Petitioner states

<https://hcservices.ecourts.gov.in/hcservices/>



that the real reason seeking eviction of shop No.5 is to demolish the same and to use the same as a pathway to the adjacent proposed complex building.

6.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the second respondent states that prior to the issuance of notice dated 20.5.2020, impugned herein, no notice was served on the Petitioner and an opportunity of personal hearing was not granted to him. This Court places its deep appreciation to the fair representation made by the learned Additional Government Pleader appearing for the second respondent, on this issue.

7.In these circumstances, the impugned notice may be treated as a show-cause notice and the Petitioner may reply to the same and if he requires an opportunity of personal hearing, necessary opportunity may be granted to the Petitioner and fresh order shall be passed depending on the submissions made by the Petitioner.

8.In view of the above submission, the impugned order is converted into a show-cause notice and the Petitioner is granted an opportunity to reply to the same by 26.06.2020 and thereafter, the second respondent may call upon the Petitioner, if he so desires, afford him an opportunity of personal hearing to him and if the Petitioner has submitted any written submission, consider the said submission and pass orders with sufficient reasons. The second respondent may complete the above said procedure on or before 31.07.2020.

9.With the above observations, the Writ Petition itself is disposed of. It would only be appropriate that the Petitioner pays the admitted portion of rental arrears, if there is any, according to the calculation made by the respondents. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vsn

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocates/litigants concerned.



To

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The Registrar of Agro Engineering Service Coop
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Director of Agriculture Office,
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ORDER MADE IN
W.P(MD)NO.6614 OF 2020
and
W.M.P(MD)Nos.5965 to
5967 of 2020
09.06.2020

AP(16/06/2020) 4P 4C