



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2375 of 2020
and
W.M.P.No.2777 of 2020

Mrs. Uma Sankar.J

...Petitioner

Vs

1. Indian Bank,
Rep by Deputy General Manager & Estate Officer,
Zonal Office, Chennai North, 5th Floor,
No.66, Rajaji Salai, Chennai-600 001.

2. R. Dakshinamurthy.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent viz the impugned notice under Section 5(2) of the Public Premises (eviction or unauthorized occupants) Act, 1971 dated 22.11.2019 passed by the 1st respondent and quash the same and direct the 1st respondent to re-deliver the possession of entire 3rd floor portion of the premises bearing New No.18, Old No.103, New Avadi Road, Kilpauk, Chennai-600 010 to the petitioner or in lieu thereof direct the respondents to pay a sum of Rs.12,00,000/-(Rupees twelve lakh only) being the lease amount with return of articles to the petitioner.

For petitioner : Mr. K. Jaishankar

For Respondents : Mr. R. Ramesh for R1

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st respondent viz the impugned notice under Section 5(2) of the Public Premises (eviction or unauthorized occupants) Act, 1971 dated 22.11.2019 passed by the 1st respondent and quash the same and direct the 1st respondent to re-deliver the possession of entire 3rd floor portion of the



premises bearing New. No.103, New Avadi Road, Kilpauk, Chennai-600 010 to the petitioner or in lieu thereof direct the respondents to pay a sum of Rs.12,00,000/- (Rupees twelve lakh only) being the lease amount with return of articles to the petitioner.

2. The case of the petitioner is that she is a lawful tenant under the 2nd Respondent who had entered into two lease agreements to the tune of Rs.6,00,000/- each for a period of 3 years and is residing in the premises of the 2nd Respondent wherein the petitioner is carrying on BPO business. While being so, without serving any notice on the petitioner, she was forcibly evicted from the premises and the said premises was locked and sealed wherein the notices were affixed by the 1st Respondent bank mentioning that the unauthorized occupants are evicted from the premises by the Estate Officer of the 1st Respondent bank, however, the name of the petitioner's firm and the petitioner's name were not found in the said notice. Hence, the present Writ Petition is filed seeking the above relief.

3. The learned counsel for the petitioner submits that the petitioner is not an unauthorized occupant and she is a lawful tenant protected under the Tenants Protection Act and that the 1st respondent bank had passed an order of eviction based on which the petitioner was forcibly evicted from the aforesaid premises without any notice being served on the petitioner u/s 5(2) of the Public Premises (Unauthorized Occupants) Act and the said premises was illegally possessed by the 1st Respondent. Hence, the order of Eviction passed by the 1st Respondent is liable to be quashed and this Court may pass appropriate orders as prayed for in the present Writ Petition.

4. The learned counsel for the 1st Respondent submits that the 2nd Respondent had obtained the loan from the 1st Respondent and defaulted in paying the same and that a show cause notice has been issued u/s 4 of the Tamil Nadu Public Premises (Unauthorized Occupants) Act, 1975 on the 2nd Respondent and inaction resulted in the eviction order being passed against the 2nd Respondent and the unauthorized occupants were evicted from the said premises.

5. Though very many grounds have been raised, the fact remains that the petitioner was illegally evicted without following the due process of law. But the petitioner has a remedy of appeal before the competent authority u/s 9 of the Act. In such view of the matter, this Court without going into the merits of the case, permits the petitioner to file an appropriate petition u/s 9 of the said Act before the competent Authority. On such petition being filed, the Competent Authority shall consider the same and pass appropriate order in accordance



with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

NHS

W.P.NO.2375 of 2020
and
W.M.P.No.2777 of 2020

BP (CO)
RGA (29/12/2021)