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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19314 of 2021
and
WMP.Nos.20622 & 20623 of 2021

M.Sheeba, Proprietor,
SHILOH JANE WOMENS HOSTEL,
No.2/75, Tansi Nagar,
9th Street, Velachery,
Chennai -600 042.

...Petitioner

Vs

1. The Secretary to Government,
Rep.by its Principal Secretary,
Social Welfare and Nutrition Meal Department,
Secretariat, Chennai - 600 094.
2. The District Collector,
Office of the District Collector,
Chennai District, Chennai.
3. The District Social Welfare Officer,
Singaravelar Maaligai,
8th floor, Collectorate Complex,
Rajaji Salai, Chennai 600 001.
4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
South Chennai Circle, Guindy, Chennai - 32.
5. The Tahsildar,
Office of the Tahsildar,
Velachery Circle, Chennai.
6. The Inspector of Police,
J-7, Velachery Police Station,
Velachery, Chennai.
7. Sekar
8. Kala Sekar

...Respondents



Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, call for the records in connection with the order passed by the second respondent in se.mu.na.ka.No.891/A4/2018 dated 25.08.2021 and quash the same as illegal and improper.

For Petitioner : Mr.N.R.Elango, Sr.Counsel
for Mr.S.Kingston Jerold

For R1 to R6 : Mr.Stalin Abhimanyu,
Government Counsel

For R7 & R8 : Mr.Sivanandaraj
for Mr.N.Senthilkumar

ORDER

Heard all the parties and perused the materials placed before this court.

2.Challenging the order dated 25.08.2021 passed by the second respondent, the petitioner has come up with this writ petition.

3.According to the petitioner, presently she is running a working women's Hostel in the name and style of 'SHILON JANE' at No.2/75, Tansi Nagar, 9th Street, Velachery, Chennai - 600 042, with few inmates and the income from the hostel is not sufficient to meet out the rent and food expenses. During the lockdown period, in order to meet out the rental expenses, the petitioner started a sweet stall inside the premises, using the kitchen and doing floor business, after having duly informed and obtained consent from her landlord. The petitioner further stated that the landlords / respondents 7 and 8, agreed to collect the monthly rent at Rs.50,000/- till the pandemic period and thereafter, receive the admitted rent of Rs.1,15,000/- per month and accordingly, they were collecting the rent. However, after some time, they created problem and forced the petitioner to vacate the premises and hence, the petitioner filed a suit in O.S.No.3115 of 2021, for permanent injunction, which is pending before the XI Assistant City Civil Court, Chennai. Since the petitioner's landlord was working in the police department, they threatened the petitioner to vacate the premises, failing which, false case will be registered against her. Finding no response from the petitioner, the respondents 7 and 8 made a complaint to the respondent authorities, which resulted in issuance of the lock and seal order dated 25.08.2021 by the second respondent, without conducting enquiry and providing any opportunity to the petitioner. Therefore, this writ petition.



4. Repudiating the averments made in the writ petition, the respondents 7 and 8 filed a detailed counter affidavit, wherein, it is inter alia stated that the petitioner after having occupied the subject premises, has failed to pay rent in accordance with the terms of the agreement; and she was using the premises for the purposes of wet grinder / rice batter business and sweet stall without obtaining any consent from these respondents / landlords, which are completely contrary to the agreement. It is also stated that when the eighth respondent sent an e-mail dated 29.03.2021 to the petitioner enumerating all the instances of breach of the agreement and calling upon her to pay a sum of Rs.11,30,000/- along with interest at 5% towards rental arrears by 29.03.2021, and also called upon her to vacate the premises within a period of one month from the e-mail dated 29.04.2021, the petitioner did not respond to the same, but she instituted a suit in O.S.No.3115/2021 seeking permanent injunction. It is also stated that despite the fact that the agreement was not renewed and the petitioner continued with the illegal, unauthorised and unlawful usage of the premises, these respondents 7 and 8 filed complaints before the statutory authorities including the second respondent, based on which, upon due enquiry, the order impugned herein came to be passed; and it is an admitted fact that no licence was issued to the petitioner to run the women's hostel. Stating so, these respondents sought to dismiss this writ petition.

5. On 29.09.2021, when the matter was taken up for consideration, on instructions, it was represented on the side of the petitioner that the petitioner has decided to wind up the hostel business in toto and she would complete the same, within a period of two months time. In view of the said representation, this court directed the petitioner to file an affidavit of undertaking to that effect.

6. Accordingly, an affidavit of undertaking dated 01.10.2021 has been filed by the petitioner, wherein, it is inter alia, stated as follows:

...I will wind up the entire hostel business in connection with the scheduled premises at No.2/75, Tansi Nagar, 9th Street, Velachery, Chennai- 600 042, within the period of two months from today. I state that in event of granting such time, I will be in a position able to settle the staffs who are all working under me for the period of past 14 years to any suitable job and I can also inform to the family members of the ladies who are all accommodated in my hostel and ask them to take back their loved one from my hostel and ask them to accommodate them to any



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suitable place or hostel which is convenient for them. I am also will be in a position to collect the long pending dues and outstanding which were payable to me and also, I will be in a position to settle all my dues which were payable by me. I am also in a duty bound to return the luggage's, certificates, laptop and other belongings which were left by the hostilities due to the pandemic (who went to their native due to lockdown).

Therefore, I hereby pray before this Honourable Court to grant me two months' time to winding up the working women's hostel business in toto, completely and I hereby undertake that I will completely wind up the working women's hostel business namely "SHILOH JANE WOMEN'S HOSTEL" in connection with the property at No.2/75, Tansi Nagar, 9th Street, Velachery, Chennai - 600 042 within the period of two months from the date of today and will not carry out any more working women's hostel / hostel business in the said premises and considering my undertaking that this Hon'ble Court may please to pass any order, which may deem fit and proper in the circumstances of the case and thus render justice."

7.The aforesaid undertaking given by the petitioner, in essence that she will vacate the premises within a period of two months i.e., from 01.10.2021 to 01.12.2021, has also been agreed upon by the learned counsel for the respondents 7 and 8.

8.In view of the subsequent development, this court finds it appropriate to record the aforesaid affidavit of undertaking with a direction to the petitioner to strictly comply with the terms stated thereunder, without any default. The affidavit of undertaking dated 01.10.2021 shall form part of this order. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
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5. The Thasildar,
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Velachery Circle, Chennai.
6. The Inspector of Police,
J-7, Velachery Police Station,
Velachery, Chennai.

+1cc to Mr.N.Senthilkumar, Advocate, S.R.No.54181
+1cc to Mr.S.Kingston Jerold, Advocate, S.R.No.54162
+1cc to the Government Pleader, S.R.No.54621

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NSK 16/11/2021