



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD)Nos.16616 to 16619 of 2021

and

W.M.P. (MD) Nos.13487 to 13495

W.P. (MD)No.16616 of 2021

Sri Sudharsana Sabha
(Rep.by its Secretary R.K.Nagarajan,
No.1469/P, Gandhiji Road,
Thanjavur).

... Petitioner

-vs-

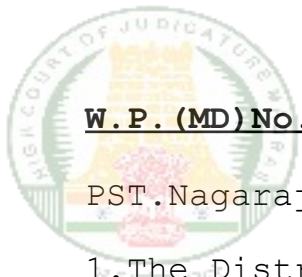
1.The District Collector,
Thanjavur, Collectorate,
Trichy Road,
Thanjavur.

2.The Municipal Commissioner &
Estate Officer,
Thanjavur City Municipal Corporation
Gandhiji Road,
Thanjavur.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notices of the second respondent issued in Form-A dated 19.08.2021, Form-B dated 03.09.2021, purported to have been issued under the provisions Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, quash the same and consequently forbear the respondents herein from in any manner interfering with the petitioner's leasehold right till 12.05.2025, as per the registered lease dated 23.05.1927 as in view of the civil decree dated 31.03.1975 made in O.S.No.1 of 1974 on the file of Sub Court, Thanjavur, decree dated 06.04.1978 in O.S.No.392 of 1976 on the file of District Munsif Court, Thanjavur, and the decree dated 23.03.2015 in O.S.No.297 of 2011 on the file of learned Additional Sub Judge (II) Thanjavur, and as confirmed by the District Court, Thanjavur, by decree dated 23.04.2021 made in A.S.No.134/2018.

For Petitioner : Mr.P.Vadivel
For R1 : Mr.B.Saravanan
Additional Government Pleader
For R2 : Mr.N.Dhilipkumar



W.P. (MD)No.16617 of 2021

PST.Nagarajan

... Petitioner

-vs-

1.The District Collector,
Thanjavur, Collectorate,
Trichy Road, Thanjavur.

2.The Municipal Commissioner &
Estate Officer,
Thanjavur City Municipal Corporation
Gandhiji Road, Thanjavur.

... Respondents

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For Petitioner : Mr.P.Vadivel
For R1 : Mr.B.Saravanan
Additional Government Pleader
For R2 : Mr.N.Dhilipkumar

W.P. (MD)No.16618 of 2021

Kalifullah

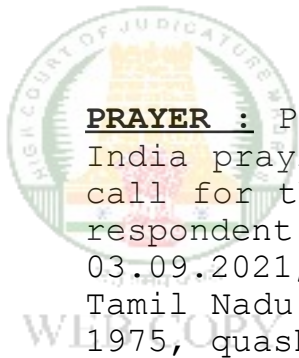
... Petitioner

-vs-

1.The District Collector,
Thanjavur,
Collectorate,
Trichy Road,
Thanjavur.

2.The Municipal Commissioner &
Estate Officer,
Thanjavur City Municipal Corporation
Gandhiji Road,
Thanjavur.

... Respondents



PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notices of the second respondent issued in Form-A dated 19.08.2021, Form-B dated 03.09.2021, purported to have been issued under the provisions of Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, quash the same and consequently forbear the respondents herein from in any manner interfering with the petitioner's leasehold right till 12.05.2025 as per the registered lease dated 23.05.1927 in view of the civil decree dated 31.03.1975 made in O.S.No.1 of 1974 on the file of Sub Court, Thanjavur, decree dated 06.04.1978 in O.S.No.392 of 1976 on the file of District Munsif Court, Thanjavur, and the decree dated 23.03.2015 in O.S.No.297 of 2011 on the file of learned Additional Sub Judge (II) Thanjavur, and as confirmed by the District Court, Thanjavur, by decree dated 23.04.2021 made in A.S.No.134/2018.

For Petitioner : Mr.P.Vadivel
For R1 : Mr.B.Saravanan
Additional Government Pleader
For R2 : Mr.N.Dhilipkumar

W.P. (MD)No.16619 of 2021

R.Ram Prabhu @ Ram Babu

... Petitioner

-vs-

1.The District Collector,
Thanjavur, Collectorate,
Trichy Road, Thanjavur.

2.The Municipal Commissioner &
Estate Officer,
Thanjavur City Municipal Corporation
Gandhiji Road, Thanjavur.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notices of the second respondent issued in Form-A dated 19.08.2021, Form-B dated 03.09.2021, purported to have been issued under the provisions Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, quash the same and consequently forbear the respondents herein from in any manner interfering with the petitioner's leasehold right till 12.05.2025 as per the registered lease dated 23.05.1927 in view of the civil decree dated 31.03.1975 made in O.S.No.1 of 1974 on the file of Sub Court, Thanjavur, decree dated 06.04.1978 in O.S.No.392 of 1976 on the file of District Munsif Court, Thanjavur, and the decree dated 23.03.2015 in O.S.No.297 of 2011 on the file of learned Additional Sub Judge (II) Thanjavur, and as confirmed by the District Court, Thanjavur, by decree dated 23.04.2021 made in A.S.No.134/2018.



For Petitioner : Mr.P.Vadivel
For R1 : Mr.B.Saravanan
Additional Government Pleader
For R2 : Mr.N.Dhilipkumar

C O M M O N O R D E R

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(Order of the Court was made by V.BHARATHIDASAN, J.)

These writ petitions have been filed challenging the show cause notice issued by the second respondent under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975, in Form - A, and also the consequential enquiry notice issued under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975, r/w. Rule 4 of Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Rules, 1978, in Form - B.

2. The learned counsel appearing for the petitioners would submit that the petitioners have already filed a suit against the second respondent for permanent injunction and the suit was also decreed, and the appeal filed by the second respondent was also dismissed, by the Principal District Judge, Thanjavur in A.S.No.134 of 2018. Despite that the present notice has been issued under the Public Premises Act, which is not maintainable.

3. Considering the fact that, it is only a show cause notice issued under the Public Premises Act and consequential enquiry notice directing the petitioners to appear for the enquiry. If at all the petitioners have any grievance against the proceedings initiated under the Public Premises Act, it is always open to them to appear before the second respondent to submit their objections, ultimately, it is for the second respondent to consider their objections and pass suitable orders of eviction. Without resorting to the same, the petitioners cannot challenge the show cause notice and consequential enquiry notice, invoking writ jurisdiction of this Court. Hence, these writ petitions are liable to be dismissed. Accordingly, these Writ Petitions are dismissed. However, it is open to the petitioners to file their objections before the second respondent during enquiry and it is for the second respondent to consider those objections and pass suitable orders, on merits and in accordance with law, after hearing the petitioners. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

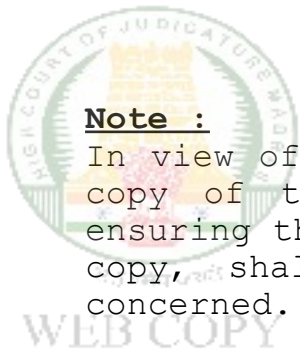
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/ /2021

Sub Assistant Registrar(CS)

akv

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



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 advocate / litigant concerned.

To

1.The District Collector,
Thanjavur,
Collectorate,
Trichy Road,
Thanjavur.

2.The Municipal Commissioner &
Estate Officer,
Thanjavur City Municipal Corporation
Gandhiji Road,
Thanjavur.

+4 CC to M/s.P.VADIVEL, Advocate (SR-29386, 29387, 29389 and 29390 [F] dated 16/09/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-29411[F] dated 17/09/2021)

+1 CC to M/s.SPL. GP (SR-29438[F] dated 17/09/2021)

ORDER MADE IN
W.P. (MD) Nos.16616 to 16619 of 2021
16.09.2021

GC(01.10.2021) 5P 9C