



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM :

WEB COPY

THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.P(MD)Nos.21162 to 21165 of 2021

and

WMP(MD)Nos.17733 to 17744 of 2021

Sri Sudharsana Sabha
(Regn No.1/1925/26)
Rep. by its Secretary,
R.K.Nagarajan,
No.1469/P, Gandhiji Road,
Thanjavur.

... Petitioner in W.P.21162/21

Ram Prabhu @ Ram Babu

... Petitioner in W.P.21163/21

Kalifulla

... Petitioner in W.P.21164/21

PST.Nagarajan

... Petitioner in W.P.21165/21

vs.

1)The Estate Officer,
Thanjavur City Municipal Corporation,
Gandhiji Road,
Thanjavur.

2)The Municipal Commissioner,
Thanjavur City Municipal Corporation,
Gandhiji Road,
Thanjavur.

... Respondents in all Wps

Prayer in all Writ Petitions:- Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of eviction passed by the 1st respondent in ROC.No.9706/2021/MCF3 dated 19.11.2021 against the petitioner, quash the same and consequently forbear the respondents from in any way interfering the petitioner's leasehold right till 12.05.2005 as per the registered lease deed dated 23.05.1927.



For Petitioner : Mr.ARL.Sundaresan, Senior Counsel
(in all W.Ps) for Mr.P.Vadivel
For Respondents : Mr.N.Dilipkumar, Standing Counsel

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COMMON ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The above writ petitions are filed mainly by Sri Sudharsana Sabha in W.P(MD)No.21162 of 2021 and the others claiming to be the sub-lessees of the said sabha. All the petitions are challenging the impugned order of eviction passed by the 1st respondent who is the Estate Officer, Thanjavur City Municipal Corporation, Gandhiji Road, Thanjavur, dated 19.11.2021.

2. The case of the petitioner in W.P(MD)No.21162 of 2021 is that a lease was entered into by them with the respondents, by a lease deed, dated 23.05.1927, for a period of 99 years, which comes to end on 12.05.2025. Till such lease period, they cannot be evicted forcibly from the premises, unless by due process of law.

3. The learned Senior Counsel who argued for the petitioners, also brought to the notice of this Court about the civil proceedings from the year 1974, which shows that the petitioners had been consistently successful in retaining the lease in their favorur. While so, the 1st respondent has issued the impugned notice under Section 5 of the Tamil Nadu Public Premises Eviction of Unauthorised Occupant Act 1975 (Act 1 of 1976). It is also admitted by the petitioners that there is a statutory appeal provided against the said eviction notice and all the writ petitioners have preferred Civil Miscellaneous Appeals before the Principal District Judge, Thanjavur, along with the stay petitions.

4. The learned counsel, who accepted notice on behalf of the respondents would submit that when already the petitioners have invoked the appellate jurisdiction, they cannot maintain the writ petitions. We are also in agreement with the same.

5. In the light of the above facts, we are inclined to direct the appellate authority to dispose of all the appeals within the statutory limit prescribed. As already the petitioners are facing the order of eviction, it would be appropriate for the appellate authority to take up the appeals immediately and dispose of the same, within the statutory limitation period given. It is also stated that the next date of hearing is on 06.12.2021. Till the disposal of the appeals, the order of eviction as impugned in these writ petitions, will be stayed.



6. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /2021

Sub Assistant Registrar(CS)

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To

1)The Estate Officer,
Thanjavur City Municipal Corporation,
Gandhiji Road,
Thanjavur.

2)The Municipal Commissioner,
Thanjavur City Municipal Corporation,
Gandhiji Road,
Thanjavur.

+1 CC to M/s.P.VADIVEL, Advocate (SR-36192[F] dated 26/11/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-36345[F] dated 29/11/2021)

COMMON ORDER MADE IN
W.P(MD)Nos.21162 to 21165 of 2021
DATED : 26.11.2021

(CO)

GC(07.12.2021) 3P 5C