



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.22679 of 2021

and

W.M.P (MD) .Nos.19157, 19158 and 19159 of 2021

Hotel Temple Tower (P) Limited,
Represented by its Managing Director,
M.Venkatachalam

... Petitioner

Vs.

1.The Secretary,
Revenue (LD6(1) Department,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai-9.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Thanjavur.

4.The Tahsildar,
Taluk Office,
Thanjavur Town.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned notice issued by the second respondent in R.C.No.H2/75697/2006 dated 13.12.2021 and quash the same.

For Petitioner : Mr.G.Mohan Kumar
For Respondents : Mr.D.Ghandiraj,
Special Government Pleader.

ORDER

The Writ Petition has been filed questioning a notice dated 13.12.2021 in R.C.No.H2/75697/2006 issued by the second respondent / District Collector, Thanjavur District.



been stated that the records reveal that the petitioner had sublet the hotel to two individuals namely, M.Kumar and M.Venkadachalam. It is also stated that there is pendency of payment of arrears of lease amount and there has been violation of the lease conditions. These are all issues of facts which this Court can never examine.

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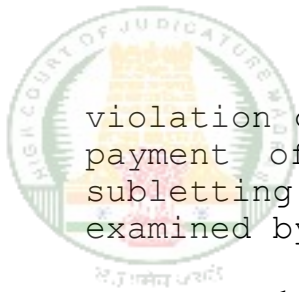
7. It is the contention of the learned counsel for the petitioner that Venkadachalam, is the Managing Director of the petitioner hotel which is Private Limited Company. As to whether he runs the hotel with legal status or has been inducted in the position of the Managing Director as a guise to screen away the actual relationship with Selvaraj, the original Promoter of the hotel are facts which can never be examined by a Writ Court. It is the contention of the respondents that Venkadachalam is a sub lessee. That, as a matter of fact, will have to be controverted only by the lessee in manner known to law. Filing a Writ Petition can never come to the rescue of the petitioner herein.

8. There is yet another allegation that there is one more individual namely, M.Kumar to whom also the hotel had been sublet. The status of M.Kumar is not known to the Court. Whether there has been actual subletting or not is an issue which can be decided only by the authorities and the petitioner will have to appear before the authorities to clarify on all these issues.

9. It is contended by the learned counsel for the petitioner that the respondents have an obligation, as directed by an earlier order of this Court, to place necessary grounds with respect to the violation of the building. In this regard, learned counsel places reliance on an interim direction of this Court and stated that since there has been violation of the same, the petitioner had also filed a Contempt Petition.

10. When there are so many petitions still pending before the Court, the relief sought in the present Writ Petition could also have been filed as a miscellaneous petition in those Writ Petitions. It is seen that the Contempt Petition No.95 of 2020 had been filed for breach of an order in W.M.P(MD).No.4925 of 2016 in W.P(MD).No.5484 of 2016. Whether the Contempt Petition will lie against an interim order is questionable and therefore, the petitioner cannot take any shelter from the fact that he had filed a Contempt Petition, and that an interim direction had been granted by the Court. It will be the outcome of the final Writ Petition which will decide the fate of the petitioner herein insofar as the present Writ Petition is concerned.

11. I must reiterate that the impugned order dated 13.12.2021 makes reference to a notice dated 14.11.2019 which had been received by the petitioner on 19.11.2019. There is no explanation as to what the petitioner did after receiving such



violation of the terms of the lease particularly with respect to the payment of lease amount and more specifically with respect to subletting to the two named individuals. Issues of facts cannot be examined by this Court sitting in Writ jurisdiction.

12. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Secretary,
Revenue (LD6(1) Department,
Government of Tamil Nadu,
Secretariat,
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- 2.The District Collector,
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+1 CC to M/s.G.MOHAN KUMAR, Advocate (SR-39882[F] dated 21/12/2021)

W.P. (MD) .No.22679 of 2021
21.12.2021

NSN (CO)

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