



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)Nos.5149 to 5165 of 2022

and W.M.P. (MD) .Nos.4185 to 4201 & 4203 of 2022

WEB COPY

Cause Title in W.P.(MD).No.5149 of 2022

1.Ari Rama Jeyam

2.R.Aruna Raja

.. Petitioners

Vs

1.The Sports Development Authority of Tamil Nadu
116A, Periyar EVR High Road,
Nehru Park,
Chennai.

2.Tamil Nadu Sports Development Authority,
Rep. by its District Sports Officer,
Nagercoil, Kanniyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd respondent in his proceedings in Na.Ka.No.397/2018, dated 01.02.2022 and quashed the same as illegal.

Cause title in WP(MD). 5150/ 2022

Jain .M.P S/o. Misrimaljee Jain, No.1/c1, Kalamadatheru,
Vadeeswaram, Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Autho Rity of Tamil Nadu, 116a, Periyar
Evr High Road, Nehru Park, Chennai.

2. Tamil Nadu Sports Developmen T Authority, Rep. by its District
Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer:

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd

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Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5151/ 2022

Nazir.A S/o. M.Ahamed,
No.7/31, Main Road,
North Sorrankudy (Post),
Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar
Evr High Road,
Nehru Park,
Chennai.

2. Tamil Nadu Sports Development Authority, Rep. by its District
Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 20.01.2022 and quash the same as illegal.

Cause title in WP(MD). 5152/ 2022

Syed Mohamed.M S/o. Mohamed Kannu,
No. Tc 10b/12, West New Street,
Kottar,
Elankadai Post,
Kanyakumari District.

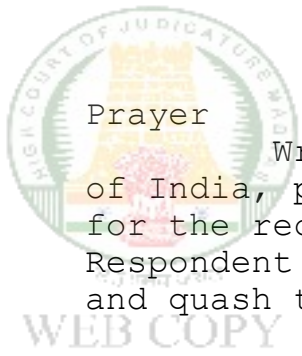
... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu,
116a, Periyar Evr High Road,
Nehru Park,
Chennai.

2. Tamil Nadu Sports Development Authority, Rep. by its District
Sports Officer, Nagercoil, Kanyakumari District.

... Respondent



Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 20.01.2022 and quash the same as illegal.

Cause title in WP(MD). 5153/ 2022

Aruna Raja.R S/o. A.Ramasamy,
No.187, Joshua Street,
Opposite to Ymca,
Nagercoil,
Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu,
116a, Periyar Evr High Road,
Nehru Park,
Chennai.

2. Tamil Nadu Sports Development Authority, Rep. by its District
Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5154/ 2022

Fazal Rahman Shop No.11,
Arignar Anna Stadium,
Shopping Complex,
Nagercoil,
Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu,
116a, Periyar Evr High Road,
Nehru Park, Chennai.



2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer :

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5155/ 2022

Kevaram Shop No.7,
Aringar Anna Stadium Shopping Complex,
Nagercoil,
Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road,
Nehru Park,
Chennai.

2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5156/ 2022

Nathmal Shop No.8, Aringar Anna Stadium Shopping Complex,
Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -



1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.
2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5157/ 2022

Soukath Shajin S/o. Late. Fazal Ali, Main Road, North Soorankudi Post, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.
2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5158/ 2022

Hariram Suthar S/o. Jugraj Suthar, Shop No.4, Aringar Anna Stadium Shopping Complex, Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.



2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5159/ 2022

Utham Chand Jain S/o. O.Manoharlal, Shop No. 12 and 13, Aringar Anna Stadium Shopping Complex, Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.

2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondent(s) in WP(MD). 5159/ 2022

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 20.01.2022 in respect of Shop Nos. 12 and 13 Aringar Anna Stadium Shopping Complex, Nagercoil, Kanyakumari district and quash the same as illegal.

Cause title in WP(MD). 5160/ 2022

Alwin Reagan S/o.Arul Raj, Shop No. 24, Aringar Anna Stadium Shopping Complex, Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.

2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents



Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 20.01.2022 and quash the same as illegal.

Cause title in WP(MD). 5161/ 2022

Ari Rama Jeyam S/o.A.Ramasamy, No. 187, Joshua Street, Oppostie to Y.M.C.A. Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.
2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5162/ 2022

Peer Mohamed Shop No.9, Aringar Anna Stadium Shopping Complex, Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.
2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.



for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.

Cause title in WP(MD). 5163/ 2022

Jebarmal S/o. Sankarlal, Shop No.20, Arignar Anna Stadium, Shopping Complex, Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.
2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 20.01.2022 and quash the same as illegal.

Cause title in WP(MD). 5164/ 2022

Hariram S/o. Jugraj Suthar, Shop Nos. 5 and 6, Arignar Anna Stadium, Shopping Complex, Nagercoil, Kanyakumari District.

... Petitioner

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr High Road, Nehru Park, Chennai.
2. Tamil Nadu Sports Development Authority, Rep. by its District Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022 and quash the same as illegal.



Cause title in WP(MD). 5165/ 2022

Jayanthilal Shop No.10, Aringar Anna Stadium Shopping Complex,
Nagercoil, Kanyakumari District.

... Petitioner

WEB COPY

- Vs. -

1. The Sports Development Authority of Tamil Nadu, 116a, Periyar Evr
High Road, Nehru Park, Chennai.

2. Tamil Nadu Sports Development Authority, Rep. by its District
Sports Officer, Nagercoil, Kanyakumari District.

... Respondents

Prayer

Writ Petition, filed under Article 226 of the Constitution
of India, praying this court to issue a Writ of Certiorari, calling
for the records relating to the impugned notice issued by the 2nd
Respondent in his proceedings in Na.Ka.No. 397/2018 dated 01.02.2022
and quash the same as illegal.

For Petitioners : Mr.M.Ajmal Khan, Senior Counsel for
M/s.Ajmal Associates
(In all writ petitions)

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General assisted by
Mr.P.Athimoolapandian
Standing Counsel
(In all writ petitions)

COMMON ORDER

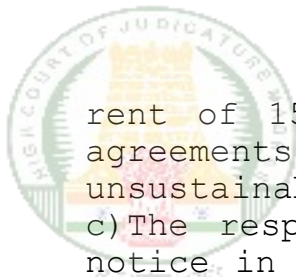
These writ petitions are filed challenging the notice received
from the second respondent terminating the licence of the
petitioners. Since the issue involved in these writ petitions are
one and the same, these writ petitions are disposed of by this
Common Order.

2.According to the second respondent, the licence granted to
the respective petitioners will expire on 31.03.2022 and therefore,
on the expiry date, the licence shall stand terminated. Aggrieved
by the same, these writ petitions have been filed.

3.The petitioners have challenged the impugned order on the
following grounds.

a) The petitioners are lessees and not licensees.

b) The respondents ought to have seen that as per clause 5 of the
lease agreement, the lease is renewable for every three years with an enhanced



rent of 15% and as such the impugned order terminating the lease agreements instead of renewing the same as illegal and thus unsustainable in law.

c) The respondents ought to have issued a minimum of three months notice in writing or paid three months rent in lieu of such notice before terminating the lease agreements as per clause 10 of the lease agreement, dated 01.04.2019.

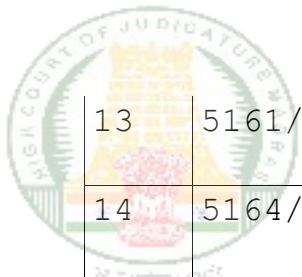
d) The respondents ought to have seen that the petitioners have been conducting business in the petition mentioned shop for a period of 27 years without any interruption and the respondents have been renewing the lease agreement 9 times till date and as such the petitioners have been under legitimate expectations that their lease agreement would be renewed for the further period of 3 years.

e) The respondents ought to have issued notice to the petitioner under Section 106 of the Transfer of Property Act, 1982, before terminating the lease agreement. The petitioners are the lessees of the petition mentioned shops and as such they cannot be evicted except by filing a suit for recovery of possession by the respondents.

f) The respondents being an instrumentality of the State are bound to act in a fair and reasonable manner and as such the action on the part of the respondents are treating the lease agreements as a license which is arbitrary and illegal and will not stand the scrutiny of law.

4. The names of the petitioners, who have approached this Court in the respective writ petitions and the dates that they have been directed to vacate their respective shops are given hereunder.

S.No	W.P. (MD) .No	Shop No	Impugned Order Dated	Name of the Petitioner	Directed to be vacated by
1	5159/2022	(*) 12 and 13	20.01.2022	Utham Chand Jain	31.01.2022
2	5160/2022	24	20.01.2022	Alwin Reagan	31.01.2022
3	5151/2022	18	20.01.2022	Nazir	31.01.2022
4	5152/2022	19	20.01.2022	Syed Mohamed	31.01.2022
5	5163/2022	20	20.01.2022	Jebarmal	31.01.2022
6	5158/2022	4	01.02.2022	Hariram Suthar	28.02.2022
7	5153/2022	25	01.02.2022	Aruna Raja	28.02.2022
8	5150/2022	14	01.02.2022	M.P.Jain	31.03.2022
9	5154/2022	11	01.02.2022	Fazal Rahman	31.03.2022
10	5155/2022	7	01.02.2022	Kevaram	31.03.2022
11	5156/2022	8	01.02.2022	Nathmal	31.03.2022
12	5157/2022	23	01.02.2022	Soukath Sajith	31.03.2022

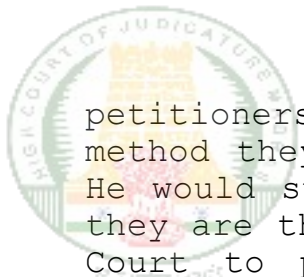


13	5161/2022	16 & 17	01.02.2022	Ari Rama Jeyam	31.03.2022
14	5164/2022	(*) 5 and 6	01.02.2022	Hariram	31.03.2022
15	5162/2022	9	01.02.2022	Peer Mohd	31.03.2022
16	5165/2022	10	01.02.2022	Jayanthilal	31.03.2022
17	5149/2022	21 & 22	01.02.2022	Ari Rama Jeyam & Aruna Raja	31.03.2022

5.Heard Mr.M.Ajmal Khan, learned Senior Counsel appearing for the petitioners and Mr.Veerakathiravan, learned Additional Advocate General, appearing for the respondents in all writ petitions.

6.The learned Senior Counsel appearing for the petitioners drew the attention of this Court to the various lease agreements entered into by the respective petitioners with the second respondent for the past several years. Last such lease agreement is dated 01.04.2019. He drew the attention of this Court to the various clauses contained in the lease agreement. He would submit that the respective petitioners are only lessees and not licensees as claimed by the respondents. According to him, only in accordance with Section 106 of the Transfer of Property Act, by filing a suit, the respondents are legally entitled to vacate the petitioners. According to him, arbitrarily and illegally, the second respondent has issued the impugned order terminating the licence calling upon the respective petitioners to vacate the premises on or before the stipulated date mentioned in the respective impugned orders. He would submit that though the agreements entered into by the respective petitioners is a lease agreement, under the impugned order the second respondent has intimated the petitioners as if they are licensees. He would submit that for almost 27 years, the petitioners are in possession of the respective shops and periodically their respective leases were also renewed by the respondents. Therefore, according to him, only under Section 106 of the Transfer of Property Act, by filing a suit, the respondents are legally entitled to evict the petitioners. He would also submit that as an instrumentality of the State, the respondent must adopt the procedure established under law to evict a lessee.

7.However Mr.Veerakathiravan, learned Additional Advocate General, appearing for the respondents would submit that as a statutory body, they have a right to terminate the licence granted to the respective petitioners. According to him, various legal avenues are available to them to evict the respective petitioners in public interest. He would submit that the impugned order comes into effect only after the expiry of the licence granted to the respective petitioners. Therefore, the petitioners are going to be evicted only in accordance with law, only after the period of their licence comes to end. He would submit that the



petitioners cannot dictate terms to the respondents as to which method they need to adopt for evicting the respective petitioners. He would submit that some of the petitioners are not licensees and they are third parties. They do not have any right to approach this Court to protect their interest. It is also contended by the learned Additional Advocate General that the respondents are empowered to seek eviction of the respective petitioners under the Public Premises Eviction of Unauthorised Occupants Act. The said statement is recorded.

8. After giving due consideration to the submissions made by the respective counsels, this Court observes as follows:

- a) Admittedly, the nomenclature of the agreement entered into between the petitioner and the second respondent discloses that all the agreements are lease deeds.
- b) The respective petitioners have been getting their lease deeds renewed periodically on the expiry of the three year period. The last such lease deed is in the year 2019.
- c) In respect of the leases, it gets expired only in the year 2022 between January to March.
- d) The procedure for eviction of a licensee and a lessee are different. It is settled law that the lessees have got more amount of protection under law, whereas, a licensee can be evicted much easier.
- e) The contention of the respective petitioners is that they are lessee, whereas, the contention of the respondents is that the petitioners are licensees.
- f) As seen from the impugned order, whether the petitioners are licensee or lessee will have to be decided.

9. At this stage, since the learned Additional Advocate General would submit that the impugned order has been issued only to terminate the licence, the interest of the petitioners to retain possession of the respective shops is protected as no action has been taken till date to evict the respective petitioners by following a particular procedure established under law. According to the learned Additional Advocate General, only in accordance with the respective contracts, the impugned notices have been issued terminating the contract on the expiry of the existing contract.

10. This Court is of the considered view that the interest of the petitioners will be adequately protected with regard to the contentions raised by them in these writ petitions, if a direction is given by this Court to the respondents to intimate the respective petitioners about the procedure, which they are going to adopt for evicting them in advance to enable the respective petitioners to challenge the said procedure, if they are so aggrieved in the manner known to them under law. The same contentions that are raised in this writ petition can very well be raised, if aggrieved when the respondents intimate the petitioner about the procedure that they



are going to adopt in the near future to evict the respective petitioners.

11.This Court is of the considered view that in the interest of all the parties concerned, this Court is inclined to direct the respondents to give one month notice, in advance, to the respective petitioners about the legal procedure that they are going to adopt to evict the respective petitioners from the respective shops. On receipt of the same, the petitioners are granted liberty to challenge the procedure, if so aggrieved in the manner known to them under law. While challenging the same, they can raise the very same contentions that have raised in these writ petitions. It is made clear that only in accordance with the procedure established under law, the respective petitioners can be evicted from their respective shops.

12.Accordingly, the respondents are directed to give one month notice to the respective petitioners about the legal procedure that they are going to adopt to vacate them from their respective shops. The respondents shall follow the procedure to evict the respective petitioners from their respective shops only in accordance with the procedure established under law. The respective petitioners are granted liberty to challenge the procedure, which the respondents propose to initiate action against them for eviction from their respective shops by reviving the very same grounds that have been raised in these writ petitions, if so aggrieved. Whether the impugned notice terminating the alleged license is proper or not can also be decided, whenever, the procedure adopted by the respondents for evicting the respective petitioners is challenged by the respective petitioners in the near future.

13.With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

(*) Corrected as per the order of this Court dated 28/04/2022 made in WP(MD).No. 5149 to 5165 of 2022

Sd/-

Assistant Registrar(CS-III)

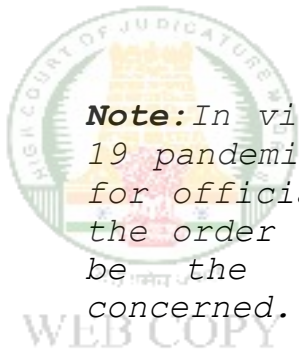
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/ /2022

Sub Assistant Registrar(CS)

TM

<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 be substituted the order already despatched on 12/04/2022
To

1.The Sports Development Authority of Tamil Nadu
116A, Periyar EVR High Road,
Nehru Park,
Chennai.

2.The District Sports Officer,
Tamil Nadu Sports Development Authority,
Nagercoil, Kanniyakumari District.

+4 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-14471[F] dated
25/03/2022)

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-14126[F] dated
24/03/2022)

W.P. (MD)Nos.5149 to 5165 of 2022
24.03.2022

ss (CO)
TR(08.04.2022) 14P 8C

ss (CO)
KB(10.05.2022) 14P 8C