



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]Nos.5692 & 5693 of 2022

and

W.M.P.[MD]Nos.4548 & 4550 of 2022

WEB COPY

A.S.Sathish Kumar	: Petitioner in W.P.[MD]No.5692/22
N.Arunsiva	: Petitioner in W.P.[MD]No.5693/22

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 in both Writ Petitions
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COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Certiorari, calling for the records relating to the impugned notice issued by the second respondent in his proceedings in Na.Ka.No.397/2018 dated 31.01.2022 and quash the same as illegal.

For Petitioner	: Mr.M.Ajmal Khan Senior Counsel for M/s.Ajmal Associates
For Respondents	: Mr.Veera Kathiravan Additional Advocate General Assisted by Mr.P.Athimoolapandian Standing Counsel [In both Writ Petitions]

O R D E R

This Court in a batch of writ petitions in W.P.[MD]Nos.5149 to 5165 of 2022, which are connected to the present two writ petitions had passed an order dated 24.03.2022. The operative portion of the said order reads as follows:

'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.'

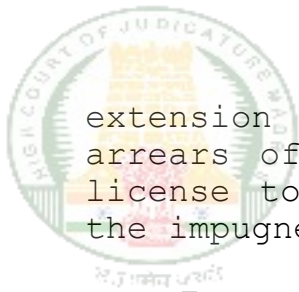
2. In the above batch of writ petitions also the petitioners therein who were occupants of the very same building complex had challenged the termination notice which has also been challenged in these writ petitions also. However, there is a minor difference with regard to the facts of those cases and the facts of these cases. In these cases, the respective petitioners are in arrears of rent, whereas in those cases, the petitioners were not in arrears of rent. This Court by its earlier order dated 30.03.2022, directed the respondents to furnish the statement of accounts pertaining to the payments made by the petitioners to the respondents towards rent.

3. As directed by this Court, the respondent Corporation has placed before this Court a statement disclosing the arrears of rent payable by the respective petitioners. According to them, a sum of Rs.3,25,159/- is due and payable by the petitioner in W.P.[MD] No.5692 of 2022 as arrears of rent up to 31.12.2021. Insofar as the petitioner in W.P.[MD]No.5693 of 2022 is concerned, he is in arrears of rent amounting to Rs.3,73,284/- up to 31.12.2021.

4. Learned Counsel for the respective petitioners would submit that the respective petitioners are willing to pay the arrears of rent as demanded by the respondent Corporation under the impugned statement, provided sufficient time is granted to them to make the payment. The said statement is recorded.

5. However, learned Additional Advocate General appearing for the respondents would submit that right from 2012 onwards there has been delay on the part of the respective petitioners to pay the rent and therefore, the petitioners will have to pay the arrears of rent immediately.

6. This Court after giving due consideration to the submissions made by the respective parties, is inclined to issue a direction to the respective petitioners to pay the arrears of rent as referred to supra on or before **15.05.2022**. However, learned Additional Advocate General appearing for the respondents would submit that any



extension granted to the respective petitioners for payment of the arrears of rent will not amount to granting extension of lease / license to the respective petitioners after the date mentioned in the impugned termination notice. The said statement is recorded.

7.As in the case of the petitioners in the batch of writ petitions referred to supra, the present petitioners in W.P.[MD] Nos.5692 & 5693 of 2022 has to be given protection subject to the respective petitioners paying the arrears of rent referred to supra on or before **15.05.2022**. Accordingly, the following similar direction as in the order dated 24.03.2022 in W.P.[MD]Nos.5149 to 5165 of 2022 is issued in these writ petitions also:

'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.'

8.Accordingly these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

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

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



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

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16615 & 16616[F]
dated 05/04/2022)

ORDER MADE IN
W.P.[MD]Nos.5692 & 5693 of 2022
04.04.2022

ck (CO)
GC (22.04.2022) 4P 5C