



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8697 of 2022

and

W.M.P.[MD]No.6362 of 2022

WEB COPY

A.Chandrasekar

... Petitioner

/Vs./

1.The General Manager,
TANSIDCO Ltd.,
Thiru.Vee.Ka.Industrial Estate,
Guindy, Chennai-32.

2.The Estate Officer,
Industrial Estates,
Sivagangai District.

3.The Branch Manager,
TANSIDCO Ltd.,
Thondi Road, Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of cancellation of allotment of Shed No.18 at Industrial Estate, Karaikudi issued by the 1st respondent on 31.01.2022 in his proceedings in R.C.No.14264/1E-11/2009 and the consequential impugned eviction order of the 2nd respondent on 12.04.2022 by the proceedings in Eviction Proc.No.230/B/2001, consequently, direct the 1st respondent to hold an enquiry by affording reasonable opportunity to the petitioner before passing any order of cancellation of allotment on the ground of rental arrears in accordance with law.

For Petitioner	: Mr.T.Lenin Kumar
	For Mr.D.Venkatesh
For Respondents	: Mr.T.Sakthi Kumaran,
	Standing Counsel.

ORDER

This writ petition has been filed challenging the impugned orders dated 31.01.2022 and 12.04.2022. By order dated 31.01.2022, the first respondent has cancelled the allotment issued in favour of the petitioner. By order dated 12.04.2022, the second respondent has directed the petitioner to hand over the possession of the premises to the respondents, within a period of seven (7) days.



2. Heard Mr.T.Lenin Kumar, learned Counsel for the writ petitioner and Mr.T.Sakthi Kumaran, learned Standing Counsel, who accepts notice on behalf of the respondents.

3. The petitioner has challenged both the aforementioned orders on the ground that without granting any opportunity to the petitioner, the aforementioned orders have been passed. According to the petitioner, due to Covid-19 pandemic situation, he was in arrears approximately amounting to Rs.5,00,000/-.

4. However, the same is disputed by the learned standing counsel appearing for the respondents and he would submit that a sum in excess of Rs.25,00,000/- is due from the petitioner.

5. Admittedly, earlier order of cancellation of the petitioner's allotment was not challenged earlier, but, has been challenged only along with the eviction order dated 12.04.2022. Admittedly, there is an alternate appeal remedy available to the petitioner as against the impugned orders under Section 9 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975. The same has not been exercised by the petitioner. But instead, he approached this Court by way of filing this writ petition.

6. There are several disputed questions of fact involving with regard to the actual money due and payable by the petitioner to the respondents. The petitioner claims that he is in possession of the property ever since 2001 and therefore, in view of the fact that the petitioner claims that he was in arrears approximately amounting to Rs.5,00,000/-, to the respondents and is willing to pay the said amount, his interest will be protected, till he files a statutory appeal as per the provisions of Section 9 of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975.

7. After hearing the submissions made by the respective counsels, this Writ Petition is disposed of with the following directions:

(a) The petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the respondents, within a period of two (2) weeks from the date of receipt of a copy of this order.

(b) The petitioner shall negotiate with the second respondent, after payment of the sum of Rs.5,00,000/- (Rupees Five Lakhs only) as stipulated by this Court for the purpose of arriving at a settlement. For such exercise, this Court grants eight (8) weeks time.

(c) In case the dispute is not resolved amicably, the petitioner is permitted to file a statutory appeal within a period of eight (8) weeks. Till the petitioner files the statutory appeal, the petitioner's possession of the subject property shall not be disturbed by the respondents.



8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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TO:

1. The General Manager,
TANSIDCO Ltd.,
Thiru.Vee.Ka.Industrial Estate,
Guindy, Chennai-32.

2. The Estate Officer,
Industrial Estates,
Sivagangai District.

3. The Branch Manager,
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Thondi Road, Sivagangai.

+1 CC to M/s.T. SAKTHI KUMARAN, Advocate (SR-22543[F] dated
29/04/2022)

W.P. [MD]No.8697 of 2022

29.04.2022

RD(23.05.2022) 3P 5C