



W.P.(MD)Nos.10947 to 10964 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.10947 to 10964 of 2022

and

W.M.P(MD)Nos.10948 to 10964 of 2022

W.P(MD)No.10947 of 2022:

Ari Rama Jeyam

... Petitioner

Vs

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

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

3.The Authorized Officer,
Sports Development Authority of Tamil Nadu,
Shops of Acommercial Complex,
Aringar Anna Stadium,
Nagercoil,
Kanyakumari District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned notice issued by the third respondent in his proceedings in Na.Ka.No.397/2018 dated 09.05.2022 and quash the same.

For Petitioner : Mr.Ajmal Khan
for M/s. Ajmal Associates

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.P.Athimoolapandian

COMMON ORDER

Heard the learned Senior Counsel appearing for the writ petitioners and the learned Additional Advocate General appearing for the respondents.

2. The writ petitioners are in occupation of the shops belonging to the respondents. The third respondent issued notices dated 01.02.2022 informing the petitioners that the agreement between the parties would come to an end on 31.03.2022 and that the writ petitioners' license stood terminated. The petitioners were called upon to surrender the vacant premises on or by 31.03.2022. Questioning the same, the petitioners filed W.P(MD)Nos.5149 to 5165 of 2022. By order dated 24.03.2022, the writ petitions were disposed of in the following terms:

“10.This Court is of the considered view that the interest of the petitioners will be adequately protected with



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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.



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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.”

Thereafter, the impugned notices dated 09.05.2022 were issued intimating the petitioners that the agreement period had expired on 31.03.2022 and that the petitioners should surrender the possession on or before 30.06.2022. Questioning the same, these writ petitions have been filed.

4. Though the learned Senior Counsel appearing for the petitioners submitted that though he has quite a few contentions to urge, he would seek



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disposal of the writ petitions on the ground that the direction given in the earlier round was not complied with. This contention is strongly contested by the learned Additional Advocate General.

5. After carefully considering the rival contentions, I am satisfied that the respondents have not intimated the petitioners about the procedure to be followed for vacating the same. The Additional Advocate General has also clarified that if by 30.06.2022 the petitioners do not surrender possession of the respective premises, the respondents will take recourse to the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975. My predecessor only wanted the respondents to provide the petitioners a breathing time of one more month. The learned Additional Advocate General also clarified the procedure that is going to be adopted to vacate the petitioners herein. The petitioners are not going to be thrown out on 01.07.2022. In these circumstances, what should be the due process of law to be followed cannot be decided at this stage. Leaving open all the contentions, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

28.06.2022

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To

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G.R.SWAMINATHAN, J.

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