



WEB COPY

W.P.No.729 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.729 of 2018

and

W.M.P.No.890 of 2018

M/s.Westgate Logistics Private Ltd.,
Represented by its Manager Administration,
Old No.7, New No.15, Demonte Colony,
Off T.T.K.Road, Alwarpet,
Chennai – 600 018.

... Petitioner

Vs.

1.Chennai Port Trust having its Registered Office at
Rajaji Salai, Chennai – 600 001,
Represented by its Chairman.

2.The Traffic Manager,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the communication of the 2nd respondent herein dated 22.06.2017 in No.CI/1017/2012/T and quash the same.



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For petitioner : Mr.R.Narayanan

For R1 & R2 : Mr.S.Haja Mohideen Gisthi

ORDER

The order passed by the 2nd respondent dated 22.06.2017 is under challenge in the present writ petition.

2. The petitioner/company is a licensee carrying on business in handling of cargo in various ports across the country including the Chennai Port Trust. The petitioner/company has availed storage space on license basis from Chennai Port Trust from time to time. In this regard, a lease agreement was entered into between the petitioner/company and the Chennai Port Trust. It is not in dispute that the petitioner/company has vacated the premises on 30.09.2012 and handed over the vacant possession to the Competent Authorities of Chennai Port Trust. Further, it is not in dispute that the land policy of the year 2004 for major ports was notified by the Government of India. Accordingly, the rent originally fixed was enhanced by the Estate Officer and notice was issued to the occupants of Chennai Port Trust buildings. Such notice was issued to all the allottees on 01.12.2008. The



statement of arrears of rent to be paid to Port Trust also communicated to the defaulters along with the notice dated 01.12.2008. The 2nd respondent in exercise of the powers conferred under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as 'the Act') passed the impugned order stating that the petitioner/company required to pay the arrears of rent together with applicable penal charges on or before 20.07.2017 and the said order came to be challenged in the present writ proceedings.

3. The learned Counsel for the petitioner/company would contend that the land policy of the year 2004 cannot be applied retrospectively. Thus, the calculation statement enclosed along with the notice of the year 2008 is erroneous. The enhancement of rent was not calculated properly and exorbitant rent with retrospective effect is calculated and thus, the impugned order is to be set aside.

4. Mr.S.Haja Mohideen Gisthi, the learned Counsel appearing on behalf of the Port Trust would oppose the said contention by stating that the several notices were issued to all the allottees including the petitioner, who committed default in payment of rent as per the land policy and by calculating



all arrears of rent due to the Port Trust, statements were issued to the defaulters including the petitioner/company. Since the petitioner/company has failed to settle the bills, action was initiated under the provisions of the Act.

5. The petitioner/company vacated the Port Trust premises on 30.09.2012 and the arrears of rent to be settled were calculated based on the said date. If at all, any mistake or error has been identified in the statement, the respondents have to verify the same and communicate a fresh statement of arrears of rent to be settled by the petitioner/company to the Port Trust. The petitioner/company is also at liberty to submit their objections on the statement of arrears communicated to them. If no objections are received, the same also may be considered for the purpose of arriving a final amount of arrears to be settled to the Port Trust. Such an exercise may be completed by the respondents within a period of 2 weeks from the date of receipt of a copy of this order. The petitioner/company is at liberty to submit their objections within a period of one week from today i.e., 31.01.2024.

6. As far as the impugned order is concerned, this Court do not find any infirmity, since the petitioner/company had committed default in payment of rent and the notices sent by the Port Trust were not responded. Therefore,



the actions initiated by the Port Trust are in consonance with the provisions of the Act and in respect of any discrepancies in calculation, the same alone shall be verified and the final amount arrived by the respondent must be settled by the petitioner/company, failing which the respondents are at liberty to proceed further by following the procedures to recover the entire arrears of rent in the manner known to law.

With these directions, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2024

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Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

1.Chennai Port Trust having its Registered Office at
Rajaji Salai, Chennai – 600 001,
Represented by its Chairman.

2.The Traffic Manager,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600 001.



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S.M.SUBRAMANIAM, J.

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