



C.R.P.Nos.1624, 1625 & 1626 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.Nos.1624, 1625 & 1626 of 2024 and
C.M.P.Nos.8657, 8660 & 8661 of 2024

P.Ravichandran

... Petitioner in all CRPs

Vs.

The Estate Officer - cum - Branch Manager,
TANSIDCO, Guindy Branch Office,
Industrial Estate, Guindy,
Chennai 600 032.

... Respondent in all CRPs

PRAYER in all CRPs: Civil Revision Petitions are filed under Article 227 of The Constitution of India, to allow the above Revision Petitions by setting aside the judgment and decree dated 05.02.2024 in CMA.Nos.56, 58 & 57 of 2023 in R.C.Nos.209/B1/2022-1,3,2 respectively on the file of the Principal Judge, City Civil Court at Chennai.

In all CRPs

For Petitioner : Mr.G.V.Sridharan

ORDER

These Civil Revision Petitions have been preferred to set aside the judgment and decree dated 05.02.2024 in CMA.Nos.56, 58 & 57 of 2023 in



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R.C.Nos.209/B1/2022-1,3,2 respectively on the file of the Principal Judge,
City Civil Court at Chennai.

2. Heard Mr.G.V.Sridharan, learned counsel for the petitioner.

3. These Revision Petitions have been filed challenging the order of the learned Principal Judge, City Civil Court, Chennai passed in CMA.Nos.56,57 & 58 of 2023. There is no dispute that the property belongs to TANSIDCO (i.e) Tamil Nadu Small Industries Development Corporation. The Corporation had given 100 Sq.ft to three individuals viz., Kamala, Lakshmi and Mani. The period of tenancy was for 11 months and with the specific clause that it should not be sublet to the property. However the bunk shops which had been placed by the above said three persons were subleased to the present Revision Petitioner Mr.P.Ravichandran.

4. There is no dispute that Mr.P.Ravichandran is running a hotel under the name and style of Welcome Vegetarian Hotel. There is no lease or rental arrangement between the owner TANSIDCO and the revision petitioner. Finding that the petitioner is an unauthorised occupant, proceedings were initiated under Section 5(1) of the Tamil Nadu Public Premises Eviction of



Unauthorised Occupants Act. As the petitioner did not concede to the demand made by the owner, further proceedings were initiated and an order for eviction had been passed. Challenging the same, appeals were presented before the learned Principal Judge who is an Appellate Authority. The learned Principal Judge dismissed all the appeals. Hence, these revisions.

5. In so far as the Tamil Nadu Public Premises Eviction of Unauthorised Occupants Act is concerned, any person who does not have the relationship of a landlord and tenant with the owner of the property, being a Government of Tamil Nadu Undertaking, is treated as an unauthorised occupant. There is no dispute that TANSIDCO had entered into a rental arrangement only with Kamala, Lakshmi and Mani. The petitioner was nowhere in the picture. He is an unauthorised subtenant of the property. Therefore, the first requirement of the Act is satisfied. The authorities in all the cases have issued appropriate notices to the petitioner. Notice were received and in compliance with the principles of natural justice, the petitioner was also heard and only thereafter, eviction order has been passed.



6. The area in which the shop is being run is situated at Guindy Industrial Estate and it is the subject matter of allotment to several third parties and not to the petitioner. Even the allotment that had been granted had expired atleast two decades ago. The license has not been renewed by the Department in favour of the three persons named above nor a fresh license has been entered with the petitioner. The order passed by the Estate Officer is in compliance with the provisions of the Act and the Rules made thereunder. The learned Appellate Authority-cum-Principal Judge, City Civil Court, Madras has arrived at a right conclusion as it would be clear from perusal of paragraph Nos.11 and 12 of the impugned order.

7. Since the petitioner is an unauthorised occupant, the question of interference with the order passed in CMP.Nos.56,57 & 58 of 2023 does not arise. The order of eviction stands confirmed. The petitioner is granted three months time to vacate and hand over possession, if he clears all the arrears that had been left behind by Kamala, Lakshmi and Mani and files an affidavit to this Court that he shall hand over peaceful possession of the property to TANSIDCO without constraining them to initiate further proceedings. The affidavit shall be filed on or before 29.04.2024. In case, the arrears are not



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cleared or if the affidavit of undertaking is not filed, the time granted by this

Court will not enure in favour of the petitioner.

8. With the above observations, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

10.04.2024

To

- 1.The Principal Judge,
City Civil Court, Chennai.
- 2.The Estate Officer - cum - Branch Manager,
TANSIDCO, Guindy Branch Office,
Industrial Estate, Guindy,
Chennai 600 032.



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V.LAKSHMINARAYANAN,J.

gsk

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