



W.P.No.14168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14168 of 2024

and

W.M.P.No.15350 of 2024

Palaniappan Perumal
Sole Proprietor of Hotel Ganapathy Bhawan
G-9, Ambattur Industrial Estate,
Tamil Nadu, Chennai – 600058.

..Petitioner

-Vs-

1. Tamil Nadu Small Industries Development Corporation Ltd.,
Thorough its Chairman & Managing Director,
SIDCO Corporation Office,
Guindy, Chennai – 600 032.
2. The General Manager,
SIDCO Corporation Office
Guindy, Chennai – 600 032.
3. The Branch Manager,
SIDCO Administrative Block,
Ambattur, Chennai – 600 058.
4. Nira S. Kumar
5. Nikhil Kumar
6. Nivedita Jagga



W.P.No.14168 of 2024

7.M/s.Kalinda Food Agraharam,
Represented through its Partners
Mr.Rafi Ahmed & Mrs.D.Vimla
G-9,Ambattur Industrial Estate,
Tamil Nadu, Chennai – 600058.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent No.1-3 not to take any coercive actions against the petitioner and not to evict the petitioner from the demised premises at No.G-9, 11th street, South Phase, Ambattur Industrial Estate, Chennai – 600058, based on the Show Cause final notice in Rc.No.117/A8/2021 dated 08.03.2024 issued by respondent No.3.

For Petitioner	: Mr.G.Mohammed Aseef
For R1 to R3	: Mr.G.Vasuthevan Standing Counsel
For R7	: Mr.C.Iyyanar

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 to 3 not to take any coercive action against the petitioner by evicting the demised premises at No.G-9, 11th Street, South Phase, Ambattur Industrial Estate, Chennai – 600 058 on the basis of the show cause notice dated 08.03.2024, which was issued against the sixth respondent.

2 Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 to 3 and the learned



W.P.No.14168 of 2024

counsel appearing for the seventh respondent and perused the materials available on record.

3. The petitioner is a tenant under the respondents 4 to 6 herein and running a hotel in the name and style of Ganapathy Bhawan. Originally, the father of the respondents 4 to 6 purchased the land and building situated at No.G-9, 11th Street, South Phase, Ambattur Industrial Estate, Chennai – 600 058, from the respondents 1 to 3 herein and established the industry. After his demise, the respondents 4 to 6 inherited the said property. Thereafter, they approached the 7th respondent to start central kitchen in the demised premises and they had entered into a Leave & License Agreement dated 14.10.2019. Thereafter, the petitioner approached the partner of the 7th respondent and entered into a rental agreement for running his business. Now, the respondents 1 to 3 issued final show cause notice to the respondents 4 to 6, who were the original allottees, dated 08.03.2024.

4. On perusal of the said show cause notice dated 08.03.2024, the subject premises was originally allotted in favour of M/s.Lumite Industries and also permitted to lease out to an extent of 9456 sq.ft in favour of the 7th



W.P.No.14168 of 2024

respondent herein for manufacturing of food products. On inspection, it is found that the respondents 4 to 7 violated the condition of lease permission order and has been running the restaurant in the name and style of Ganapathy Bhavan and a Pastry Shop in the name and style of Chew Brew unauthorizedly in the subject property. Accordingly, they are doing commercial activity by running the restaurant and also Pastry Shop. Therefore, the respondents 4 to 7 were called for enquiry. Further, the lease agreement between the respondents 4 to 6 & 7 has also lapsed on 30.09.2022. Subsequently, the lease agreement was not renewed so far by the 7th respondent, thereby violated the norms by further expanding activities that are contrary to the agreed terms and laws. Therefore, the respondents 1 to 3 herein cancelled the lease permission issued in favour of the 7th respondent to lease out the subject property for manufacturing of food products. Further, they were directed to stop commercial activities and evict the hotel and pastry shop functioning in the subject property unauthorizedly.

5. In fact, the said show cause notice was challenged before this Court by way of writ petition in W.P.No.9987 of 2024 and it is pending. Admittedly, the petitioner is a sub tenant under the 7th respondent and it is a



W.P.No.14168 of 2024

clear violation of terms and conditions of the lease permission, which was granted in favour of the 7th respondent. Now, the lease permission was also cancelled by the respondents 1 to 3 herein. That apart, the petitioner is unauthorizedly occupied the subject premises and running commercial business in the name and style of Ganapathy Bhawan.

6. In view of the above, this Court finds no merits in this writ petition and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. The respondents 1 to 3 are at liberty to proceed as against the petitioner in accordance with law. Consequently, connected miscellaneous petition is closed. No costs.

28.08.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Lpp

To

1.The Chairman & Managing Director,
Tamil Nadu Small Industries Development Corporation Ltd.,
SIDCO Corporation Office,
Guindy, Chennai – 600 032.



WEB COPY



W.P.No.14168 of 2024

G.K.ILANTHIRAIYAN. J,

Lpp

2.The General Manager,
SIDCO Corporation Office
Guindy, Chennai – 600 032.

3.The Branch Manager,
SIDCO Administrative Block,
Ambattur, Chennai – 600 058.

W.P.No.14168 of 2024

and

W.M.P.No.15350 of 2024

28.08.2024