



W.P.No.27648 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.27648 of 2021
and
W.M.P.No.29194 of 2021**

M/s.Brandmidas Hospitality & Aviation
Services (P) Ltd.,
60/30, 2nd Floor, 28th Cross Street,
Indira Nagar,
Adyar,
Chennai - 600 020.

... Petitioner

Vs.

Airports Authority of India,
Represented by its Airport Director,
Chennai Airport,
Chennai - 600 027.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the impugned order in Letter No.AAM/C.201/SMOKING LOUNGE/2021/268-69, dated 13.12.2021 claiming rent based on Invoice Bill No.NTR/2020-21/33/19000/CM/LF/00455&00456 dated 12.01.2021 quash the same and



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consequently, direct the respondent to issue No Due Certificate with respect to Chennai Airport to enable the petitioner to participate in the tender floated by the respondent in E-bid No.2021-AAI-98141-1 dated December 2021.

For Petitioner : Dr.R.Maheswari

For Respondent : Mrs.Arul Mary

O R D E R

This Writ Petition has been filed challenging the order passed by the respondent dated 13.12.2021 claiming rent based on Invoice Bill No.NTR/2020-21/33/19000/CM/LF/00455&00456 dated 12.01.2021 and for a consequential direction to issue No Due Certificate with respect to Chennai Airport to enable the petitioner to participate in the tender floated by the respondent in E-bid No.2021-AAI-98141-1 dated December 2021.

2. The learned counsel appearing for the petitioner submits that the petitioner was awarded licence for establishing, operating and maintaining smoking lounges and retail space for installation of shops for selling cigarettes at NDTSHA (West Wing), NIT SHA (West Wing) and AIT Departure at Chennai Airport. The agreement was entered into between the



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petitioner and the respondent and the date of commencement is from 01.04.2018 and the expiry of the licence is on 30.06.2019. Even thereafter, the petitioner has not vacated the premises, thereby, the present impugned order has been passed on 13.12.2021 directing the petitioner to handover the vacant possession of the premises within a period of seven days. Challenging the same, the present writ petition has been filed by the petitioner.

3. Though the writ petition was filed on various grounds, the petitioner has no grievance to vacate the possession.

4. The learned counsel appearing for the respondent submits that the disputed site is not utilised by the petitioner or the respondent and proper enquiry will be conducted with regard to refund of the deposit.

5. In view of the above, this Court is inclined to dispose of the writ petition with the following directions:



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(i) the petitioner is directed to handover the vacant possession of the premises to the respondent within a period of one week from the date of receipt of a copy of this order.

(ii) The respondent is directed to conduct enquiry with regard to the refund of the deposit and pass appropriate orders, on merits and in accordance with law within a period of four weeks thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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The Airport Director,
Airports Authority of India,
Chennai Airport,
Chennai - 600 027.



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M.DHANDAPANI,J.

vji

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