



W.P.No.34253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.01.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.34253 of 2023 and
W.M.P.No. 34141 of 2023

S.Mohanraj

... Petitioner

Vs.

1.The Estate Officer cum Principal Chief Engineer,
Integral Coach Factory,
Chennai - 600 038.

2.The General Manager,
Integral Coach Factory,
Chennai - 600 038.

3.The Executive Engineer,
Integral Coach Factory,
Chennai - 600 038.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents, or their men, agents, servants or anybody claiming under them from interfering with the peaceful possession and enjoyment of the petitioner's licensed premises i.e. 20 stalls/shops in ICF Shopping Complex, ICF, Chennai - 38 in pursuant to order No.W/W/14 EOI (Shopping Complex) Office of the PCE dated 21/22.11.2023 on the file of the 1st respondent, either by force, disconnection of essential services or any other manner till the appeal filed by the petitioner under Section



W.P.No.34253 of 2023

9 of the Act before the Hon'ble Principal Judge, City Civil Court, Chennai in C.M.A.SR.No. 18357 of 2023 is taken on file, seeking to set aside the order passed by the 1st respondent, consequently direct the respondents to consider the petitioner representation dated 02.12.2023.

For Petitioner : Ms.S.Mounika

For Respondents : Mr.A.Kumaraguru,
Senior Panel Counsel

ORDER

This writ petition is not maintainable as the petitioner has admittedly filed an appeal as against the order passed by the first respondent being the Estate Officer-cum-Principal Chief Engineer dated 21/22.11.2023. The petitioner was granted licence from 08.05.2018 to 07.05.2023 for running 20 shops in ICF Shopping Complex, ICF, Chennai-600 038.

2.Since the period of lease was over, the petitioner is expected to hand over the possession of shops after 07.05.2023. However, on the ground that there had been no business between 24.03.2020 and September 2020 on account of the Covid-19 pandemic, the petitioner has sought extension of licence period and the waiver of licence fees. His request has been rejected and an Original Application in O.A.No.750 of 2020 had been filed by him seeking appointment of Arbitrator, who was appointed vide order dated 09.03.2021.



W.P.No.34253 of 2023

3. An award had been passed on 16.08.2021 extending the lease for a period of six months till 07.11.2023. The petitioner thereafter filed O.A.No.55 of 2023 and by order dated 27.01.2023 the respondents were restrained from evicting the applicant for a period of four weeks from that date.

4. By order dated 03.04.2023, the interim protection granted initially was extended till the completion of arbitration and the original application was closed. The 3 Arbitrators who had been appointed had passed an award on 25.09.2023. As against the aforesaid award, the respondents have filed O.P. on 12.12.2023 (e-filing number 202300006) and the matter is pending.

5. The respondents have thereafter passed the order of eviction on 21/22.11.2023 directing the petitioner to vacate the premises within 15 days from date of publication of the order. The petitioner has filed an appeal under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 before the Principal Judge, City Civil Court in CMA.SR.No.18357 of 2023 challenging the order of eviction.

6. This writ petition has been filed seeking relief in the interim, till such time the appeal filed by the petitioner is taken on file.

7. When the matter had come up on 08.12.2023, the learned counsel for the petitioner had assured the Court that all steps would be taken to list the matter and bring the CMA for hearing expeditiously. Thus, merely to afford the



W.P.No.34253 of 2023

petitioner some breathing space, the matter had been adjourned to today and the respondents counsel had fairly assured the Court as well as the petitioner through counsel that no coercive steps would be taken in the meanwhile.

8.Today one Ms.Mounika, learned counsel for the petitioner states that the appeal has been numbered as CMA.No.24 of 2023 and that the petitioner is pursuing the same.

9.In such circumstances, there is no justification or necessity to keep this writ petition pending any further as any relief that the petitioner believes he is entitled to may well be sought for by him in the appeal.

10.This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

03.01.2024

vs

Index : Yes/No

Speaking order

Neutral citations:Yes

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W.P.No.34253 of 2023

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W.P.No.34253 of 2023

Dr.ANITA SUMANTH,J.

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