



W.P(MD)No.10722 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10722 of 2024

and

W.M.P.(MD)No.9595 of 2024

M/s.James and Co,
Madurai Multi Functional Complex (P) Ltd.,
Represented through its Authorized Person,
West Veli Street, Railway Station Premises,
Madurai - 625001.

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
The Ministry of Railways,
Raisina Road,
New Delhi - 110 001.
- 2.Rail Land Development Authority,
Represented by its Chairman,
No.702-B, 7th Floor, Konnectus Tower-2,
DMRC Building, Ajmeri Gate,
Delhi - 110 002.
- 3.M/s. Ircon Infrastructure and Services Limited (Ircon SL),
Government of India,
Represented by its Chief Executive Officer,
Plot No.C-4, District Centre,
Saket, New Delhi -.110 002.
- 4.Madurai Multi Functional Complex Private Limited (MMCPL),
Block C, 2nd Floor, Chowringhee Mansion,
30, Jawaharlal Nehru Road, Kolkatta - 700 016.



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5.The Estate Officer,
Southern Railway,
Division Office,
Works Branch,
Madurai - 625 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to receive the monthly rent directly from the petitioner from the month of May, 2024 to the account mentioned by the 3rd respondent without the involvement of the 4th respondent and consequently to direct the 3rd respondent not to take any coercive action against the petitioner and by considering the petitioners representation dated 19.04.2024.

For Petitioner : Mr.Ajmal Khan, Senior Counsel,
For M/s.Ajmal Associates.

For Respondents : Mr.K.Govindarajan
DSGI for R1, R2 & R5.

: Mr.N.Dilip Kumar for R4

: Mr.Nishit Kush for R3

ORDER

Heard both sides.

2.The petition mentioned land belongs to the second respondent.

The second respondent leased out the same in favour of the third respondent on



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04.07.2013. The third respondent entered into sub-lease with the fourth respondent. The case of the fourth respondent is that what was given to them was only a shell like structure and that they made considerable investment to develop the property. Thereafter, the fourth respondent entered into lease agreement with the petitioner herein. It is seen that there has arisen a dispute between the third respondent on the one hand and the fourth respondent on the other. Arbitration proceedings have also been initiated. Since the petitioner did not clear their rental dues, eviction notice came to be issued by the Estate Officer / R5. The eviction proceedings have been initiated under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, because the dues of the third respondent have not been settled. In this background, the present writ petition came to be filed.

3.The petitioner states that he is willing to make payment directly to the third respondent and wants the third respondent to recognise them as their tenants. In this regard, the petitioner has given a representation dated 19.04.2024. The learned counsel for the third respondent states that it is too early for the third respondent to recognize the petitioner as a tenant. They may permit the petitioner to be in the premises as their permissive occupant. The learned counsel appearing for the third respondent would add that the



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proceedings taken under the Public Premises Act cannot be a part of the arbitration proceedings. He drew my attention to clause 19 of the sub-lease agreement between the parties.

4.The learned counsel appearing for the fourth respondent would strongly oppose such arrangement. The fourth respondent would state that substantial investment made by the fourth respondent is at stake and that they cannot be short-changed in the process.

5.This writ petition is disposed of by recording the stand of the third respondent that they are willing to consider the petitioner's representation on appropriate terms and conditions. Such a disposal will not come in the way of the fourth respondent from enforcing their rights as against the petitioner. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 07.06.2024.



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G.R.SWAMINATHAN, J.

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