



W.P.No.4115 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.4115 of 2025

and

W.M.P.No.4618 of 2025

V.Suresh

...Petitioner

-Vs-

1.The Estate Officer,
The Tamil Nadu Industrial Investment Corporation
Limited (TIIC),
Chennai Regional Office,
No.692, Anna Salai,
Ground Floor, Nanthanam,
Chennai – 600 035.

2.The Branch Manager,
The Tamil Nadu Industrial Investment Corporation
Limited (TIIC),
Tiruvallur Branch,
No.86C & D, 2nd Main Road,
Ambattur Industrial Estate,
Chennai – 600 058.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the records from the 1st respondent pertaining to the impugned notice Form A dated 23.01.2025 and quash the same and



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consequently direct the respondents to recognize the petitioner's tenancy rights and pass such further orders.

For Petitioner : Mr.N.Sathish Babu

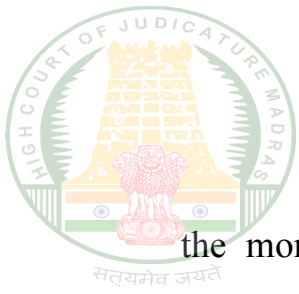
For Respondents : Mr.K.Magesh,
Standing Counsel

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent pertaining to the impugned notice Form A dated 23.01.2025 and quash the same and consequently directing the respondents to recognize the petitioner's tenancy rights.

2. The petitioner is the proprietor of M/s.Xpress Motors, an authorized dealer and service centre for Chevrolet cars. In the year 2018, the petitioner was inducted as a lessee of the land belonging to the respondents' corporation, situated at 86C & 86D, 2nd Main Road, Ambattur Industrial Estate, Chennai -600 058, measuring 26,551 sq.ft. for a monthly rent of Rs.3,04,175/- plus 18% GST.

3. During the COVID-19 pandemic, the petitioner was unable to pay

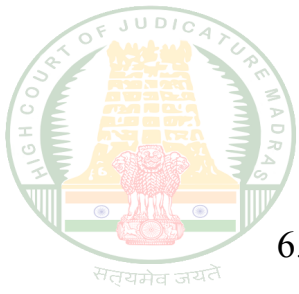


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the monthly rent for nearly eight months. Considering the plight of the lessees, the Government had also directed authorities to consider waivers of rent. Based on this, the petitioner requested the respondents to waive the rent for six months, which was under consideration but ultimately rejected.

4. Thereafter, the 1st respondent issued a show cause notice dated 23.01.2025 under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, declaring the petitioner as an unauthorized occupant and calling upon the petitioner to show cause why an eviction order should not be passed. Aggrieved by the same, the petitioner has come up with the present writ petition.

5. At the time of occupying the land, the respondents assured that an agreement would be executed in favour of the petitioner, but no such agreement has been executed till date. However, a monthly rent of Rs.3,04,175/- plus 18% GST has been fixed for the said land. The continuous payment of rent and official communications with the respondents establish a landlord-tenant relationship, proving that the petitioner is in lawful occupation of the property.



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6. It is submitted that the impugned notice is illegal and arbitrary, as the respondents have accepted rent from the petitioner for the past six years, which creates a lawful tenancy. The term "unauthorized occupant" is being wrongly applied. It is further submitted that the petitioner invested nearly Rs.1.5 crores in setting up the service centre, which currently employs 20 staff members and caters to approximately 3,000 customers.

7. Learned counsel for the petitioner would submit that the show cause notice dated 23.01.2025 was issued under Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, and in the said notice 10 days time was given to the petitioner to show cause why an order of eviction should not be passed under sub-section (1) of Section 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 (Tamil Nadu Act 1 of 1976).

8. Learned counsel would further submit that the petitioner is ready and willing to submit his objection/reply to the above eviction notice issued by the 1st respondent within a period of two weeks. He further submitted that he paid a sum of Rs.19 lakhs and odd towards arrears of rent for 6 months on 05.03.2025.



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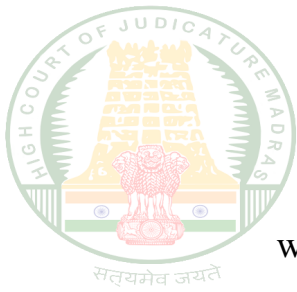
WEB COPY 9. A counter affidavit was filed by the respondents dated 06.03.2025.

10. Learned standing counsel appearing for the respondents would submit that as per the Act, only 7 days is stipulated. Hence, this Court grants two weeks time for the petitioner to give a reply/objection to the above said show cause notice dated 23.01.2025. He further submits that the petitioner may be directed to pay the arrears of rent for the period of 12 months within a period of two weeks.

11. Heard both sides and perused the materials available on record.

12. In view of the above facts and circumstances of the case, this Court is inclined to pass the following directions:

- a) The petitioner is directed to submit his objection/reply to the show cause notice dated 23.01.2025 within a period of two weeks though under the Act only 7 days is stipulated. This Court is inclined to grant two weeks from today.
- b) On receipt of such objection/reply by the 1st respondent, the same shall be considered by the 1st respondent on merits in accordance with law



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within a period of two weeks thereof.

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- c) The petitioner is directed to pay the arrears of rent for 6 months period taking into consideration that the petitioner has remitted a sum of Rs.19 lakhs towards 6 months rent on 05.03.2025. This Court is inclined to grant four weeks time from today.
- d) The respondents are directed not to take any coercive action till the orders passed by the 1st respondent.

In the result, the **writ petition stands disposed of with the above observations and directions.** No costs. Consequently, connected miscellaneous petition is closed.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

1.The Estate Officer,



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