



CRP.Nos.1020 & 986 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP.Nos.1020 & 986 of 2025
and CMP.Nos,5908 & 5625 of 2025

1.The Chairman
Chennai Port Trust
Chennai – 600 001

2. The Chennai Fishing Harbour
Management Committee
Represented by its Member Secretary
Office at Royapuram, Chennai – 600 013

3.The Estate Officer
Chennai Port
Office at Old Administrative Building, 3rd Floor
No.1, Rajaji Salai, Chennai – 600 001

.. Petitioners in both CRPs

Versus

V.Balaji

.. Respondent in CRP.No.1020 of 2025

M/s.M.H.K.Ice Plant
Office at Plot No.53, Fishing Harbour Complex
Royapuram, Chennai – 600 013

.. Respondent in CRP.No.986 of 2025



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Prayer in CRP.No.1020 of 2025: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 26.11.2024 made in CMA.No.21 of 2022 on the file of the learned Principal Judge, City Civil Court, Chennai and thereby uphold the order passed by the Estate Officer in Order No.FHMC3/6807/2005/E dated 21.09.2022.

Prayer in CRP.No.986 of 2025: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 26.11.2024 made in CMA.No.27 of 2023 on the file of the learned Principal Judge, City Civil Court, Chennai and thereby uphold the order passed by the Estate Officer in Order No.FHMC3/6163/05/E dated 10.04.2023.

In both revisions

For petitioners : Mr.S.Haja Mohideen Gisthi
For respondent : No appearance

COMMON ORDER

Challenging the orders of the learned Principal Judge, City Civil Court, Chennai setting aside the order of the Estate Officer, the present revisions have been filed.

2. The respondents were during the year 1987 was inducted into the premises of the second petitioner as a licensee at the rate of Rs.65/- per sq.m. per



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annum. License period was for a period of 10 years. Thereafter, it appears that the

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second revision petitioner had enhanced the license fee from Rs.65/- sq.m. per annum to Rs.80/- per sq.m. per annum. Thereafter, it appears that the license fee was enhanced to Rs.120 per sq.m. per annum from May 2001 onwards. The same was challenged in WP.Nos.2443 and 22274 of 2005 by the respondents and this Court directed the respondents to approach the civil court. Therefore, the respondent in CRP.No.1020 of 2025 has been filed to seeking not to disturb their peaceful possession except by due process of law and for permanent injunction restraining the defendants from collecting the enhanced rent and for mandatory injunction for fixing rent taking into consideration the amenities and infrastructure available and for other reliefs. The said suit was partly decreed granting permanent injunction not to disturb by the respondent except by way of following due process of law, appeal in A.S.No.42 of 2021 was confirmed and second appeal is filed before this Court. Similarly, the respondent in CRP.No.986 of 2025 filed a suit in O.S.No.4754 of 2013 on the file of the XVI Assistant City Civil Court, Chennai seeking not to disturb their peaceful possession except by due process of law and for permanent injunction restraining the defendants from collecting the enhanced rent and for mandatory injunction for fixing rent taking into consideration the

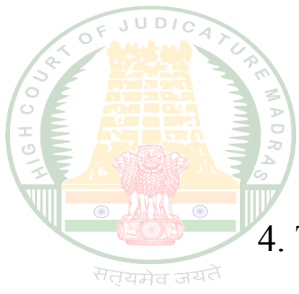


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amenities and infrastructure available and for other reliefs. The said suit was originally dismissed for default on 30.10.2018. The respondent has filed applications for condoning the delay in filing restoration petition and to restore the suit. The Trial Court has condoned the delay and the case is posted for arguments for restoration petition.

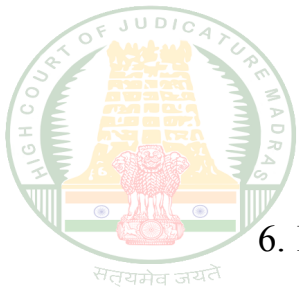
3. Once again, writ petitions in WP.Nos.23398 of 2012 and 8176 of 2003 were filed challenging charging of electricity, service charge and they were disposed. Against which, writ appeals were filed in W.A.No.1765 and 1762 of 2013. This Court vide order dated 01.04.2014 directed that the mortgage to be created in respect of superstructure and no objection for getting service connection from TANGEDCO. Hence, mortgage deeds were executed and subsequently, civil suits were filed for discharging the mortgage and the same are pending. At this juncture, notices under Section 4 of the Public Premises (Eviction of unauthorised Occupants) Act, 1971 were issued and the respondents appeared before the third respondent/Estate Officer. The Estate Officer vide orders dated 21.09.2022 and 10.04.2023 declared the petitioners as unauthorised occupants. Challenging the same, appeal were filed.



4. The appellate authority/learned Principal Judge, City Civil Court, Chennai

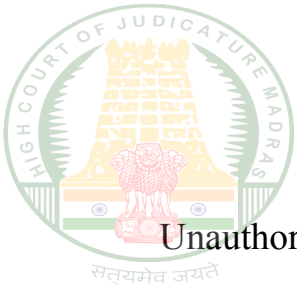
has found that during the pendency of the proceedings, the rents have been clearly received. Further, the petitioners were not unauthorizedly inducted. They were inducted as lessee and that the lease period is not expired to declare them as unauthorised occupants and set aside the orders of the third respondent/Estate Officer. Challenging the same, the present revisions.

5. The learned counsel for the petitioner submitted that the Appellate Court not gone into the provisions of Public Premises (Eviction of unauthorised Occupants) Act, 1971. The respondents were inducted as a licensees' and license fee were enhanced from time to time and license agreements were not renewed, this aspect has not been considered by the appellate Court. Period of license is already expired. Therefore, once the person is in possession of the property, even after expiry of the licence period also amounts to unauthorised occupation as contemplated under Section 2(g) of the Public Premises (Eviction of unauthorised Occupants) Act, 1971.



6. Despite notice being served to the respondents and name being printed in the cause-list, none appeared for them. Heard the learned counsel for the petitioner and perused the materials placed on record.

7. It is also brought to the notice of the Court, the respondents were already evicted from the premises and the possession has been taken on 30.01.2024 and 21.05.2024. The appellate court, in fact, proceeded as if there were lease agreement. On perusal of the entire materials, it would indicate that such a presumption is without any basis, in fact, the respondents were inducted as licensees' for a period of 10 years at the specific license fee. License fee has been increased from time to time. Whenever there was increase in license fee, the same was challenged by way of writ petitions and suits are also filed not to evict them except by due process of law. Therefore, the question of determining the license fees does not arise at all. The fee is fixed at the original allotment order thereafter from time to time, the license fee was extended and further, no extension had taken place. Therefore, once the period of license is over, still a person is in possession of the property, such occupation also comes within the ambit of unauthorised occupation as per the definition clause 2(g) of the Public Premises (Eviction of



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Unauthorised Occupants) Act, 1971 which has not been considered by the court

below. Therefore, the order impugned is liable to be set aside and the same is hereby set aside.

8. Accordingly, these revisions stand allowed. No costs. Consequently, connected miscellaneous petitions stand closed. No costs.

11.06.2025

Index : Yes / No
Speaking/non speaking order
dhk

To,

1. The Principal Judge, City Civil Court, Chennai
2. The Section Officer
VR Section, Madras High Court



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N. SATHISH KUMAR, J.

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