



WEB COPY

W.A.No.3352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE C. KUMARAPPAN**

**Writ Appeal No.3352 of 2023 and
CMP.No.13815 of 2024 and
CMP.Nos.27348 & 27352 of 2023**

Sri Mookambikai Enterprises
Rep by its Managing Partner,
K.Indrani,Gandhi Road, Krishnagiri.

.. Appellant

VS

1.The District Collector
Krishnagiri district
Ramapuram-635 115.

2.Krishnagiri Development Corporation Limited,
Rep by its Managing Director and Project Officer,
Collector's office Building,
Krishnagiri – 636 705.

.. Respondents

Prayer : APPEAL filed under Clause 15 of the Letters Patent against
order dated 01.11.2021 passed in W.P.No.8771 of 2015 on the file of this
Court.

For Appellant : Mr.R.Sagadevan

For Respondents : Mr.R.Ramanlal,
Additional Advocate General
assisted by
Mr.M.Murali, Government Advocate



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JUDGMENT

(Delivered by Dr.ANITA SUMANTH..J)

Read this order in continuation of and in conjunction with our earlier order dated 03.02.2025, which reads as follows:

'Heard Mr.Sagadevan, learned counsel for the appellant and Mr.Ramanlal, learned Additional Advocate General assisted by Mr.Murali, learned Government Advocate for the respondents in the Writ Appeal.

2. We are of the view that the Writ Appeal could be closed at this juncture, as a quietus seems imminent. The parties agree that :

(a) the property at Anna Gandhi Mani Mandapam @ Apsara Theatre, Gandhi Road, Pazhayapettai, Krishnagiri – 635 001 Survey Nos.716 to 718/2 New No.C/10-119) of Boganapally Village, Railway Colony, Krishnagiri (in short 'subject property') can be offered in public auction and the appellant may be permitted to participate in the same.

(b) If the appellant is found to be the highest bidder, nothing further need be done.

(c) If the appellant is not the highest bidder, he will be permitted to make a bid matching the highest bidder.

(d) Once the above aspect is decided one way or the other, the appellant would either continue in possession of the property or in the alternative exit the property within a period of one (1) week from the date of confirmation of the highest bidder.

3. As regards the arrears of rent, we find that the order of the Division Bench granting stay of the impugned order of the Writ Petition is dated 30.11.2023, on which date, the lease for the subject property had also expired.

4. On 08.12.2023, the appellant has made a representation seeking grant of temporary licence in order that he continue to operate the theatre. Though received, the second respondent has not chosen to act on the same. Hence, we are of the prima facie view that this aspect should have a bearing on the respondents while deciding the request of the



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appellant for waiver of the rents between the period between November, 2023 till date.

5. List on 12.02.2025. Let an affidavit and memo be filed by the parties confirming the aforesaid by then with a copy served in advance on the other side.'

2.Today, affidavits are filed by both parties. As far as the appellant is concerned, they have, vide affidavit dated 10.02.2025 acceded to participation in the auction. They also confirm that, should their bid not be the highest, they would make an attempt to match the highest bid received in the auction. On the aspect of arrears, they submit that the claim of rent for the period when the theatre was closed, is not sustainable.

3.As far as the respondents are concerned, the District Collector has filed an affidavit dated 10.02.2025. At paragraphs 2 to 6, he states as follows:

'2. I submit and undertake that as per the orders of the Hon'ble Division Bench in the above Writ Appeals, the property at Anna Gandhi Mani Mandapam @ Apsara Theatre Gandhi Road, Pazhayapettai, Krishnagiri-635001 Survey Nos.716 to 718/2 New No.C/10-119) of Boganapally Village, Railway Colony, Krishnagiri will be offered in public auction and the Appellant will be permitted to participate in the same.

3. I submit and undertake that if the appellant is found to be the highest bidder, he will be selected as the successful bidder and further action will be taken to lease the property to the Appellant if he comply with the post tender conditions prescribed in the tender conditions.

4. I submit and undertake that if the appellant is not



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the highest bidder, he will be permitted to make a bid matching the highest bidder and if the appellant accept for the same he will be given lease of the property if he comply with the post tender conditions prescribed in the tender conditions.

5. I submit and undertake once the tender is finalised and if the appellant is the highest bidder or if he accepts to make a bid matching the higher bidder he would be allowed to continue in possession of the property provided he comply with the post tender conditions prescribed in the tender conditions.

6. I submit and undertake that if the appellant is not the higher bidder or if he do not come forward to make a bid matching the highest bidder, he have to exit the property within a period of one week from the date of confirmation of the highest bidder.'

4.Recording the above, there is a direction to conduct the auction within a period of six (6) weeks from date of receipt of this order. As undertaken by both parties, the appellant shall be permitted to participate in the auction, if he complies with the terms of the auction notice. If he is the highest bidder, he shall be so selected. Else, he shall be given an opportunity to match the highest bidder.

5.In the event that he is neither the highest bidder nor does he match the highest bid, it is made clear that he would have to exit the property within a period of one week from date of confirmation of highest bid.

6.Coming to the arrears of rent, a sum of Rs.13,33,696/- is due and payable by the appellant, according to the respondent. According to the



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appellants, there are no dues from its side. This is thus a matter involving disputed facts, that would be best left to the authorities to decide. If it is the case of the appellant, that it is not liable to pay the aforesaid amount, let a representation be made in this regard and such representation, if made within a period of one week from today, will be disposed by the respondents within a period of three weeks thereof after hearing the appellants and in accordance with law.

7.To be clarified that the settlement of the arrears once quantified, would be a pre-condition for the grant of the licence, should the appellants be successful in the auction.

8.As nothing further survives in this appeal, this writ appeal is closed. No costs. Connected miscellaneous petitions are also closed.

[A.S.M., J] [C.K., J]
12.02.2025

vs

Note: Upload this order on 13.02.2025.

Index: Yes

Speaking order

Neutral Citation: Yes

To

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