



W.A.No.328 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

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THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal No.328 of 2025

and

Civil Miscellaneous Petition No.2623 of 2025

M/s. Brandmidas Hospitality &
Aviation Services (P) Ltd.,
60/30, 2nd Floor, 28th Cross Street,
Indira Nagar, Adyar, Chennai 600 020.

... Appellant

Vs.

Airports Authority of India,
Rep. By its Airport Director,
Chennai Airport,
Chennai 600 027.

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent Act, against
the order dated 12.08.2024 in W.P.No.27648 of 2021.

For Appellant : Mrs. R. Maheswari

For Respondent : Mrs. A. Arul Mary
Senior Counsel for Airports Authority of India



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JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

The writ order dated 12.08.2024, in W.P.No.27648 of 2021 is under challenge in the present writ appeal.

2. The writ petitioner has instituted the present writ appeal. The petitioner entered into an agreement with the respondent for operating and maintaining smoking lounges and retail space for installation of shops for selling cigarettes at NDTSHA (West Wing) NIT SHA (West Wing) and AIT Departure at Chennai Airport.

3. The period of contract/lease commenced on 01.04.2018 and expired on 30.06.2019. The appellant not vacated the rented premises and the Airports Authority of India passed an order on 13.12.2021 asking the petitioner to vacate the premises and handover vacant possession within a period of seven days, the petitioner filed this writ petition before this Court.

4. The writ Court considered the issue and found that the period of



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lease expired on 30.06.2019 and therefore, the petitioner has no right to continue in the rental premises in the Airport. Regarding other dispute about arrears of rent or otherwise is to be decided by conducting an enquiry by the Airports Authority of India.

5. The learned counsel for the petitioner would submit that there is no arrears of rent. The premises are yet to be vacated by the petitioner.

6. The learned counsel for the respondent – Airports Authority of India would submit that an enquiry was conducted and final order was passed on 05.02.2025. Therefore, it is for the petitioner to vacate and handover the premises to the Airports Authority of India and any grievance exists regarding claim of arrears of rent or otherwise, the same is to be resolved by approaching the competent forum.

7. Disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Rental arrears or any other claim relating to lease are to be adjudicated in the manner known to law by approaching the competent forum.



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8. In view of the above facts and circumstances, we do not find any infirmity in respect of the writ order impugned in the present writ appeal. However, the Airports Authority of India is at liberty to take over possession of the premises by following due procedures. In the event of no lean towards the property kept inside the rental premises, the petitioner shall be permitted to take his belongings from the premises and the Airports Authority shall ensure that the vacant possession is handed over to the administration.

9. Writ Appeal stands dismissed with the above directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands dismissed.

(S.M.S., J.)

(K.R.S., J.)

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case : Yes/No



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