



W.P.(MD)No.13457 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.13457 of 2014

and

M.P.(MD)Nos.1 to 3 of 2014

- 1.D.Arulandhu
- 2.Subramanian
- 3.Muthu
- 4.Arumugham
- 5.Rajendiran
- 6.Sekar
- 7.Anbalagan
- 8.Periyanayagi
- 9.Abulkalam Azath

... Petitioners

Vs.

- 1.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai-600 005.
- 2.The District Collector,
Pudukkottai District, Pudukkottai.
- 3.The District Revenue Officer,
District Revenue Office, Pudukkottai.



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4.The Tahsildar,
Avudaiyarkovil Taluk, Pudukkottai District.

5.The Principal Secretary to Government,
Home Department, Secretariat, Chennai.

...Respondents

(R5 is impleaded vide Court order dated 07.08.2017 in W.P.(MD)No.13457 of 2014)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.1973/A6/2014, dated 12.06.2014 passed by the 4th respondent and quash the same.

For Petitioners : Mr.B.Prasanna Vinoth

For Mr.M.Suresh

For Respondents : Mr.N.Satheesh Kumar,

Additional Government Pleader

ORDER

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

The notice issued under Section 133 of Cr.P.C., by the Tahsildar, Avudaiyarkovil Taluk, Pudukkottai District, is under challenge in the present Writ proceedings.



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2.The Government issued G.O.(Ms)No.1947, Revenue Department, dated 06.11.1989 leasing out the Government lands for developing salt pans. The period of lease was 12 years and admittedly, expired long before. The lease was not renewed and the petitioners have not utilized the Government lands for the purpose for which it was leased out. The Government lands were leased out for developing salt pans but the petitioners have utilized the Government lands for prawn aquaculture.

3.The learned Additional Government Pleader appearing for the respondents made a submission that the original lessees sub let the Government lands without prior permission from the competent authorities.

4.The learned counsel appearing for the petitioners mainly contended that there is no possibility of developing salt pans in that lands and therefore, the lessees have developed prawn aquaculture and they are punctually paying the lease rent to the Government.



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5. May that as it be, the lease period of 12 years expired long before.

The petitioners without any prior permission converted the lands from salt pans to prawn aquaculture. Though the allegation of subletting was disputed, we are of the opinion that the period of lease expired and the Government lands were not utilized for the purpose for which it was leased out in favour of the petitioners. Thus, the petitioners have not established any right for the purpose of considering the relief as such sought for.

6. With reference to the arguments advanced that notice issued under Section 133 Cr.P.C., is untenable, this Court is of the considered opinion that such obstructions and encroachments can be removed by taking recourse under Section 133 Cr.P.C.

7. In view of the facts and circumstances, there is no infirmity in respect of the notice issued under Section 133 Cr.P.C., by the Tahsildar / 4th respondent and the petitioners are not entitled for possession and consequentially, the respondents are directed to evict the petitioners and take possession of the Government lands and utilize the same for public purposes.



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8. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

31.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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