

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.36722 of 2003
and
W.P.M.P.44610 of 2003

A.M.K.Ahamed

... Petitioner

vs.

1) The District Collector,
Thanjavur District,
Thanjavur.

2) The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3) The Tasildhar,
Pattukottai,
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 05.10.2003 passed by the District Collector in proceedings Ref.No.MU.MV.57405/ 03/A2 and quash the same and consequently direct the first respondent to grant long term lease to the petitioner subject to the payment of reasonable lease amount in survey No.235/2 measuring an extent of 20 acres land situated at Earrippurakarai Village, Pattukottai Taluk, Thanjavur District.

For Petitioner : No appearance

For Respondent : Mr.Akhil Akbar Ali,
Government Advocate for R1 to R3

O R D E R

The petitioner has come forward challenging the impugned order of the first respondent/the District Collector dated 05.10.2003 wherein the lease for the salt pan was not granted, as at present, the same is a Government poramboke land and that the petitioner shall be given permission to enjoy the land, measuring an extent of 20 acres of land on a long-term lease.

2. When the writ petition came up for hearing on 12.07.2017, the same was posted under the caption 'for dismissal' on 17.07.2017. Even today (17.07.2017), there is no representation for the petitioner.

3. Admittedly, 20 acres of land at S.No. 235/2 situated in Earrippurakarai Village which belongs to the Government, was granted as lease for a period of 10 years in the year 1992 to Mr.Anasu and Mr.Ashraf by the Government and there was a sub lease agreement in the year 1994 between the petitioner's wife and the petitioner with the said Mr.Anasu and Mr.Ashraf and they were in enjoyment of the land from the year 1994. The District Collector, after considering the request of the petitioner, by a detailed order, has rejected the request of the petitioner on the ground that shrimp culture shall not be undertaken in and around the area and that the lease cannot be granted.

4. This Court has granted an interim order of injunction for a period of four weeks on 16.12.2003 and the same has not been extended. The learned Government Advocate appearing for the respondents is also not aware as to whether the petitioner is carrying out the activities or business in the said land. When the said lease period is not being extended, and based on the interim order and when no action has been taken by the Government for nearly 14 years, it is clear that the Government officials are colluding with the petitioner.

5. Thus, taking note of the fact that there are no merits in this case, the writ petition is dismissed. The respondents are directed to remove the petitioner from the place/site including the business, if any carried out, as the interim order of this Court has already expired in January 2004 itself. The respondents shall report the action taken by them to the Registrar General of this Court within a week from the date of receipt of a copy of this order. No costs. Consequently, connected W.P.M.P.No.44610 of 2003 is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:

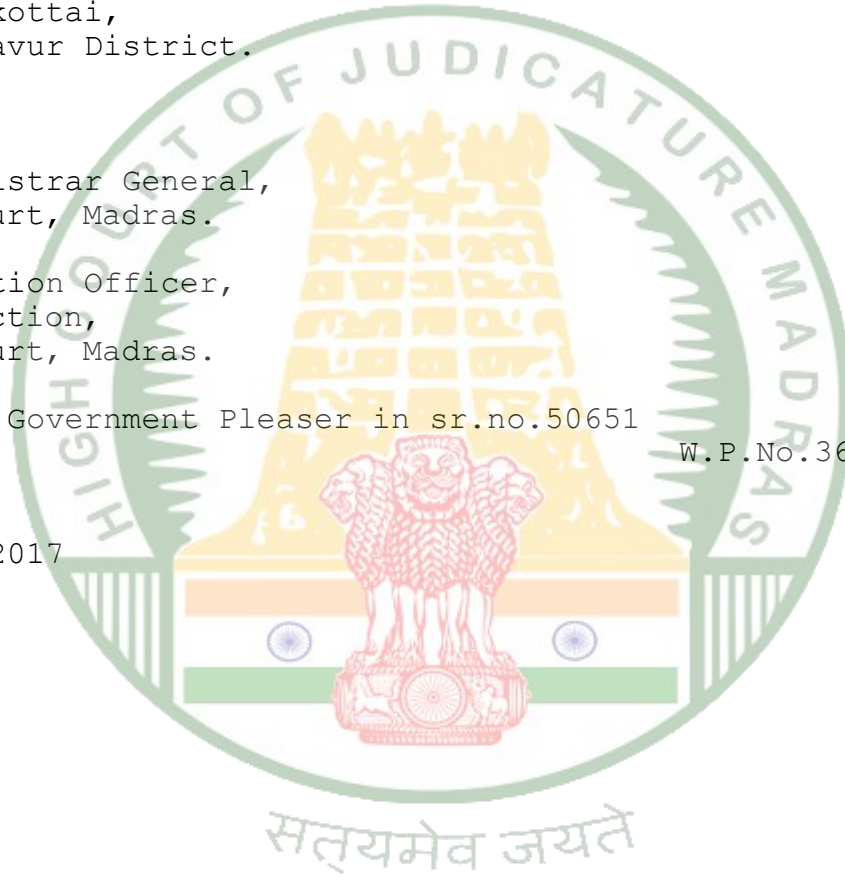
- 1) The District Collector,
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Thanjavur District.

Copy to:

- 1) The Registrar General,
High Court, Madras.
- 2) The Section Officer,
Writ Section,
High Court, Madras.
- 3) +1cc to Government Pleaser in sr.no.50651

W.P.No.36722 of 2003

GP(CO)
NR 12/09/2017



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