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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.12466 of 2017

and

WMP (MD) No.9614 of 2017

Shanthi Nageshwaran

: Petitioner

-vs-

1. The District Collector,
Thanjavur.

2. The Thasildar,
Chatram Management,
Thanjavur District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to re-fix the lease rent based on the relevant provisions by following principles of natural justice in respect of Survey No.13/20, 13/21 at Aranthangi Town and Taluk, Pudukottai District, within the time frame fixed by this court.

For Petitioner

: Mrs.N.Krishnaveni
Senior counsel
for Mr.RM.Arun Swaminathan

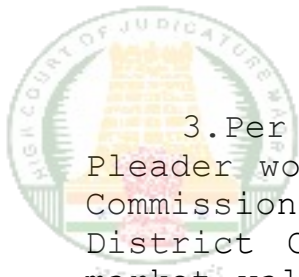
For Respondents

: Mr.C.Selvaraj
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is to direct the respondents to re-fix the lease rent, based on the relevant provisions by following the principles of natural justice, in respect of the assigned lands in survey Nos.13/20 and 13/21 at Aranthangi Town and Taluk, Pudukottai District, within a time frame.

2.Mrs.N.Krishnaveni, learned Senior counsel appearing for the petitioner would submit that the petitioner is paying Rs.1,296/- per year to the respondents in respect of the assigned lands in survey Nos.13/20 and 13/21 of Aranthangi Town Municipality. It is further submitted that without issuing notice to the petitioner and also providing opportunity of hearing to the petitioner, the respondents now demanding huge amount.



3.Per contra, Mr.C.Selvaraj, learned Special Government Pleader would submit that as per the direction issued by the Land Commissioner and power to fix fair rent was delegated to the District Collector, Thanjavur. It is further submitted that the market value of the property is Rs.1.41 crores and therefore, the petitioner is liable to pay Rs.19,00,000/- per annum towards rent to the respondents.

4.Heard the rival submissions and perused the materials available on record.

5.Liability to pay rent is not in dispute, but the only grievance of the petitioner is that she was not heard before the order came to be passed.

6.Considering the grievance expressed by the petitioner, this court is of the considered opinion that the petitioner is to be provided with an opportunity of hearing.

7.In that view, the order impugned is set aside. The writ petition is allowed. The petitioner is directed to co-operate with the enquiry. Till the conclusion of the enquiry, the respondents are directed to maintain **status quo** as on today. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To,

1. The District Collector,
Thanjavur.

2. The Thasildar,
Chatram Management,
Thanjavur District.

3. The Special Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.RM.Arun Swaminathan, Advocate Sr.No.63907

+1cc to Spl.Government Pleader Sr.No.63944

ER

VB/GT/SAR2/08/08/2017/2P/6C