

THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.03.2018
CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Writ Appeal No.773 of 2017 and
CMP.No.10804 of 2017

M/s.Hindustan Petroleum Corporation Limited
rep. by its Chief Regional Manager,
Coimbatore Regional Office, HP House,
18/3, Big Bazaar Street,
Coimbatore-641 001. ... Appellant/Petitioner
.vs.

1. The Tashildar,
Udhagamandalam,
Nilgiris District.
2. The District Collector,
Udhagamandalam,
Nilgiris District. ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent
against the order of this Court dated 22.03.2017 made in
W.P.No.1527 of 2017.

WP.No.1527 of 2017:filed under Article 226 of the constitution
of India, praying for a Writ of Certiorarified Mandamus to call
for the records on the file of the 1st Respondent and to quash
the impugned order No. Na.Ka.A4/2114/2004 dated 16.11.2016 and
consequently direct the Respondents to fix reasonable rentals
hereafter as per law after giving the Petitioner a reasonable
opportunity of hearing सत्यमेव जयते

For Appellant : Mr.M.Vijayan
for M/s.King and Partridge

For Respondents : Ms.A.Sri Jayanthi,
Special Government Pleader

J U D G M E N T

(Judgment of the Court was pronounced by K.K.SASIDHARAN,J)

The Demand Notice issued by the Tahsildar, Uthagamandalam dated 16.11.2016 was put in issue before the Writ Court in W.P.No.1527/2017 on the ground that the appellant has undertaken commercial activities by utilising the land and it is not open to the writ court to interfere with the demand made by the Revenue Authority. The said order is under challenge at the instance of M/s.Hindustan Petroleum Corporation Limited.

2. The order dated 22.3.2017 in W.P.No.1527/2017 is the subject matter of this intra court appeal.

3. When the appeal came up for hearing before the Division Bench on 21.7.2017, a direction was issued to the appellant to pay 50% of the demand on or before 16.8.2017 and on such payment, the Tahsildar was directed to remove the lock so as to enable the appellant to do the business.

4. The learned Counsel for the appellant submitted that pursuant to the interim order dated 21.7.2017, the appellant deposited 50% of the demand and thereafter, the lock was removed by the revenue authorities.

5. The learned Counsel for the appellant submitted that the appellant would be satisfied, in case, the proposal now pending before the Revenue Authority for revision of rent is decided within a reasonable period.

6. The challenge in W.P.No.1527/2017 was to the demand made by the Tahsildar by notice dated 16.11.2016, directing the appellant to pay a sum of Rs.33,16,318/-. The appellant has already paid 50% of the demand pursuant to the interim order dated 21.7.2017.

7. The issue regarding revision of lease rent is now stated to be pending before the respondents.

8. We direct the District Collector, Udhagamandalam, The Nilgiris District, to ensure that a decision is taken in the matter of fixing the lease rent payable by the appellant as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this Judgment. The question of payment of the balance amount pursuant to the interim order dated 21.7.2017 would depend upon the final orders to be passed by the District Collector. The

status quo with respect to the land must be maintained till the disposal of the matter by the District Collector.

9. The intra court appeal is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Tashildar,
Udhagamandalam,
Nilgiris District.
2. The District Collector,
Udhagamandalam,
Nilgiris District.

+1 cc to Mr.Kings & Partridge Advocate sr 21993
+1 cc to the Govt Pleader sr 22303

W.A.No.773 of 2017

ev(co)
aa13/04/2018

सत्यमेव जयते

WEB COPY