

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.03.2018

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

W.A.No.1933 of 2013

Sri Kalidos Educational Trust
Rep by its Trustee Veerabadraiah
Reg.No.551, Kothakondapalli Village
Hosur Taluk.

... Appellant/Petitioner

Vs.

1. The District Collector
Krishnagiri District.

2. The District Revenue Officer
Krishnagiri District.

... Respondents/Respondents

Prayer:-

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 05.01.2012 made in W.P.No.5759 of 2004 on the file of this Court.

Prayer in W.P.No.5759 of 2004:-

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus to direct the respondents to renew the lease deed dated 26.03.1999 in further of the petitioner trust.

For Appellant : Mr.S.Udayakumar

For Respondents : Mr.I Sathish
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN,
J.]

The appellant filed a writ petition in W.P.No.5759 of 2004 for issuance of a writ of Mandamus to direct the District

Collector, Krishnagiri, to renew the lease covered by the lease deed dated 26 March, 1999 for a further period in favour of the Trust. The learned single Judge opined that there is no vested right to the appellant to call upon the District Collector to renew the lease. The writ petition was dismissed. Feeling aggrieved, the appellant has come up with this intra court appeal.

2. The learned counsel for the appellant contended that the District Revenue Officer recommended to the District Collector for renewal of the lease for a period of 99 years. The District Collector was therefore, not correct in keeping the matter pending without passing an order for renewal. The learned counsel further contended that the renewal was sought only for the education purpose in a backward region and the said factor was not taken note of by the learned single Judge.

3. We have also heard the learned Additional Government Pleader on behalf of the respondents.

4. The appellant submitted an application before the District Collector, Krishnagiri, for the grant of a lease of immovable property in Survey Nos.519 and 520 situate at Kothakondapalli Village, Hosur Taluk, Dharmapuri District. The Government, by order dated 16 July, 1996 in G.O.Ms.No.615, granted lease of 2.19.5 hectares of land in Kothakondapalli Village, Hosur Taluk subject to the condition regarding payment of lease amount. The District Revenue Officer executed a lease agreement dated 26 March, 1999 pursuant to the order dated 16 July, 1996. The lease was later cancelled. The said order was challenged in W.P.No.9378 of 1999. The writ petition was disposed of by order dated 19 February, 2002.

5. This Court, in W.P.No.9378 of 1999 directed the appellant to make a fresh application to the District Revenue Officer for renewal of the lease. The District Revenue Officer, Krishnagiri was directed to consider the application and pass appropriate orders on merits.

6. The petitioner approached this Court with a writ petition in W.P.No.5759 of 2004 with a grievance that in spite of the direction given by the writ court in W.P.No.9378 of 1999, follow up action was not taken by the District Revenue Officer. Before the writ court, the respondents filed a counter affidavit indicating that the land in question has already been alienated to the Tamil Nadu Police Housing Corporation and it was inadvertently given to the appellant on lease.

7. The learned single Judge after considering the entire factual matrix, opined that it would not be within the province of the Court to direct the Government to extend the lease in favour of the appellant. The writ petition was dismissed.

8. The core question is as to whether the High Court would be justified in issuing a Mandamus for renewal of the lease in spite of the fact that lease has already been cancelled by the Government.

9. The counter affidavit filed by the District Collector in the writ petition in W.P.No.5759 of 2004 clearly indicates that the land in question was originally allotted to the Tamil Nadu Police Housing Corporation as per the order dated 16 July, 1996 in G.O.Ms.No.615 Revenue (L) Department. The allotment in favour of the appellant was without considering the allotment already granted to the Tamil Nadu Police Housing Corporation. The District Collector, therefore, cancelled the lease given to the appellant on 11 May, 1999. Though the appellant challenged the cancellation of lease in W.P.No.9378 of 1999, this Court was not inclined to set aside the order. This Court only granted liberty to the appellant to submit an application for extension of the lease. The revenue authority was directed to take a decision keeping in view the various subsequent developments, which includes the allotment of the land to the Tamil Nadu Police Housing Corporation.

10. The order cancelling the lease has become final. Therefore, there is no legal right to the appellant to direct the District Collector, to grant extension of lease. This is not a case of renewal of lease at all. The lease has already been cancelled. There is no question of grant of renewal of lease which has already been cancelled by the Government. We are, therefore, of the view that the appellant has no justifiable right to claim renewal of the lease, which has already been cancelled by the Government. The learned single Judge considered the entire background facts and rightly dismissed the writ petition. We do not find any reason made out by the appellant to take a different view in the matter.

In the upshot, we dismiss the intra court appeal. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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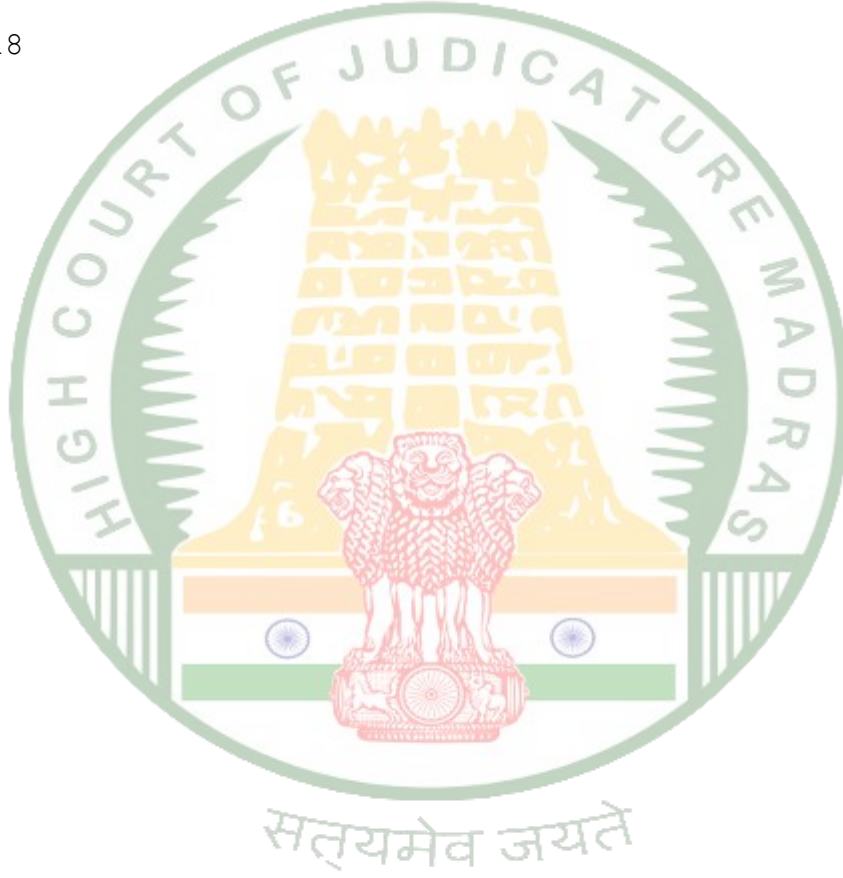
To

1. The District Collector
Krishnagiri District.
2. The District Revenue Officer
Krishnagiri District.

+1cc to Mr.S.Udayakumar, Advocate, S.R.No.19461

W.A.No.1933 of 2013

MR(CO)
CS/10/04/18



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