

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34916 of 2013

and

M.P.No.2 of 2013

Alamara Gugai Ashraman Trust
Rep by its Secretary
J.V.Ganesh
18A, Peygopuram 6th Street
Arunachala Mountain
Thiruvannamalai.

....Petitioner

Vs.

1.The Secretary to Government
Revenue Department, Chennai - 9.

2.Revenue Divisional Officer
Thiruvannamalai.

.... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records of the first respondent in G.O.Ms.No.417, Revenue [LD2(1)] Department dated 23.10.2013 and quash the same and consequently, direct the first respondent to assign and extend the lease of land comprised in T.S.No.10/540/2 of Thiruvannamalai town and taluk in favour of the petitioner Trust.

For Petitioner : Mr.R.Rajaramani

For Respondents : Mr.M.Elumalai [For R1 & R2]
Government Advocate

O R D E R

The order of cancellation of lease issued by the first respondent in G.O.Ms.No.417, Revenue [LD2(1)] Department, dated 23.10.2013 is under challenge in this writ petition. Further direction is sought for to direct the first respondent to assign or extent the lease of land granted in favour of the writ petitioner.

2.The learned counsel for the writ petitioner submits that the writ petitioner is a public trust and the Government granted a lease in favour of the writ petitioner vide G.O.Ms. No.1162, Revenue Department dated 09.12.1997 for a period of three years. The period of lease expired in December 2000 itself. However, the writ petitioner continued in the

Government property without extension of any agreement and without paying the lease amount also.

3.The learned Government Advocate appearing on behalf of the respondents states that the writ petitioner had not paid the lease amount from the year 2000 onwards. Thus, the first respondent has issued an order of cancellation, cancelling the lease and further, granted the benefit of waiver of lease amount. Since the writ petitioner is a trust challenging the same, the present writ petition has been filed by the writ petitioner.

4.The learned counsel appearing for the writ petitioner states that the writ petitioner is willing and ready to pay the lease amount if any claimed by the respondents and they need the property for the purpose of running the petitioner trust.

5.The initial lease period granted was three years from 09.12.1997. Thus, the period of lease expired in December 2000 itself. Thus, further continuance of the writ petitioner in the Government property itself is illegal. The writ petitioner continued in the Government land without extending the lease agreement and without paying the lease amount to the Government. Certainly it is a financial loss to the State Exchequer. The respondent cancelled the agreement and the payment of lease rent is waived. This apart, the lease period expired in 2000 and the petitioner has filed this writ petition only after the cancellation of lease by the respondents in the year 2013. The petitioner had illegally continued in the Government property after the expiry of the lease period

6.This being the factum of the case, there is no infirmity in respect of the cancellation order of lease passed by the first respondent.

Accordingly, this writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petitions is closed. However, there is no order as to costs.

may a

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

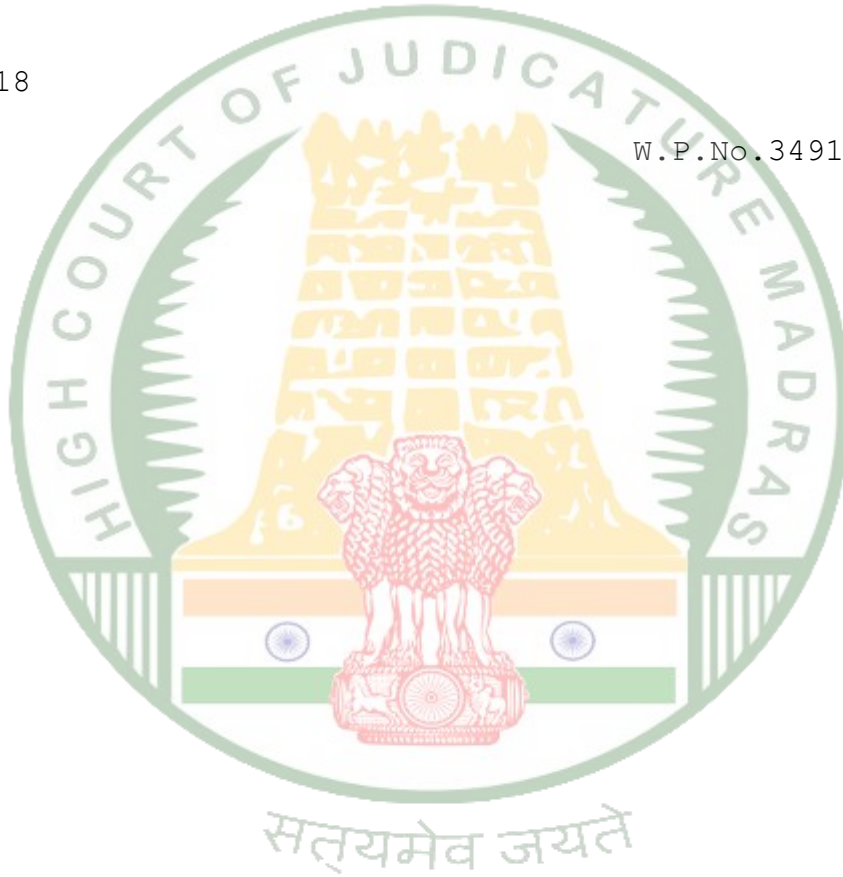
1.The Secretary to Government
Revenue Department, Chennai - 9.

2.The Revenue Divisional Officer
Thiruvannamalai.

+1cc to Mr.V.R.Annagandhi, Advocate Sr.No.38593
+1cc to Government Pleader Sr.No.38721

SSI (CO)
sm:3.7.2018

W.P.No.34916 of 2013



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