

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P No.37882 of 2004

and

W.M.P.No.45424 of 2004

E.M.Narasimhalu

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai -3.

2.The District Revenue Officer,
Land and Estate Department,
Corporation of Chennai,
Rippon Building, Chennai - 3.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records pertaining to the order No.Ni.Ma.U.Thu.Na.Ka.Enn.El.E 4/4760/20004760/2000, dated 2.12.2002 of the 1st respondent and the consequent Notice No.Ni.Ma.U.Thu.Na.Ka. Enn.El.E 4/4760/2000, dated 26.11.2004 of the 2nd respondent in enhancing the land rent in respect of the Plot No.340, V.O.C. Salai, comprised in R.S.No.277/22 & 23 Part of Vepery Village, Chennai passed by the respondents and to quash the same.

For Petitioner : Mr.B.Jayaraman

For Respondents: Mr.T.C.Gopalakrishnan
Standing counsel

O R D E R

Heard the learned counsel for the petitioner, the learned Standing counsel for the respondents and perused the materials available on record.

2. The petitioner has come forward with this writ petition to quash the order of the first respondent dated 26.11.2004, in and by which, a demand was made from the petitioner for an amount of Rs.2,05,416/-.

3. According to the petitioner, the land measuring an extent of 2910 sq.ft belongs to the respondent corporation was leased out to one Mr.V.M.Ragavalu Naidu. Subsequently, the petitioner became the lessee and he has been running the floor

mill. The further case of the petitioner is that the original rent was Rs.48.50 per month and the second respondent through the impugned notice demanded alleged arrears at the rate of Rs.2,640/-, without providing an opportunity to the petitioner.

4. The learned Standing counsel, by referring to the counter filed by the second respondent, submitted that the petitioner is a trespasser and not a tenant under the respondent Corporation. However, the demand made by the second respondent is not the arrears of lease amount and it is for the damages for use and occupation of the property from 01.04.1989 to 30.11.2004. It is further stated that the first respondent/Corporation has also issued a Lock and Seal and Demolition notice, dated 27.7.2017, under Section 57 read with Section 85 of Tamil Nadu Town and Country Planning Act, 1971, which is under challenge in another writ petition.

5. The learned Standing counsel for the respondents submitted that the petitioner has not paid the demand under the impugned notice and as on date he is liable to pay Rs.6,53,881/-, towards damages and Rs.45,691/-, towards surcharge.

6. Perusal of the records would reveal that the petitioner has been in possession of the land measuring an extent of 2910 sq.ft., at Wall Tax Road, which is a prime area and carrying on commercial activities. The specific case of the respondents is that the petitioner is not a lessee and he is an encroacher. No documents have been produced by the petitioner to establish that he is a lessee / licensee under the respondents.

7. Taking note of the above facts, I find no merits in this writ petition. Accordingly, this writ petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms

+ 1 cc to Mr. T.C. Gopalakrishnn, Advocate SR.43886

W.P No.37882 of 2004
and

W.M.P.No.45424 of 2004

SSV(CO)