



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)No.893 of 2016

and

C.M.P (MD)Nos.5376 & 5377 of 2016

D.John Ranjith Kumar

... Appellant/Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Chatram Administration,
Gandhiji Road,
Thanjavur District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 21.03.2016 made in W.P(MD)No.12908 of 2013, on the file of this Court.

Prayer in WP(MD). 12908/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus calling for the records relating to the impugned order bearing Na.ka.No. 4068/2008 dated 23.11.2012 passed by the 2nd responodent and the consequential order bearing Na.ka. No. 4068/2008/ Chat. A dated 20.03.2013 passed by the 2nd Respondent and quash the same and consequently direct the respondents to refix the rent on the basis of the handed over area of 11,653, Sq. ft to the petitioner and direct the respondents to return the excess amount paid by the petitioner along with the deposit made by the petitioner.

For Appellant : Mr.T.Sundaravadanam

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader.

**JUDGMENT**

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

This Writ Appeal is directed against the order, dated 21.03.2016 passed in W.P(MD)No.12908 of 2013.

2. Originally, the Writ Petition was filed challenging the impugned order in Na.Ka.No.4068/2008, dated 23.11.2012 and the subsequent impugned order, dated 20.03.2013. The said impugned order was passed by the second respondent calling upon the appellant/writ petitioner to pay the arrears of rent within seven days.

3. It is stated by the appellant/writ petitioner that that he has been running a school in the leased premises, wherein 150 students are studying upto 5th standard. He has further stated that he is making arrangements to shift the school to some other place and for shifting the same, he requires six months time. Besides, he made some improvements in the school by spending money.

4. Giving allowance to the money spent by the appellant/writ petitioner for the improvements and also after deducting the advance amount paid, there seems to be a balance amount of Rs.2,25,168/-. The appellant/writ petitioner also seems to be disputing the amount arrived at by the learned Single Judge. It is also pointed out that the appellant/writ petitioner had already vacated the premises and handed over the possession to the respondents, as per the direction of this Court.

5. What remains is the balance amount to be paid by the appellant/writ petitioner. The learned Single Judge had granted three months time to pay the amount ie., on or before 30.06.2016.

6. As the appellant/writ petitioner had already handed over the possession and vacated the premises, only the arrears of rent remains to be paid. Though it is stated that the possession was forcibly taken from the appellant/writ petitioner, the fact remains that he has now vacated the premises.

7. The learned Special Government Pleader has filed a calculation memo stating that a sum of Rs.1,01,168/- is payable by the appellant/writ petitioner. If it is agreeable for the appellant/writ petitioner, the same shall be paid, within a reasonable time.

8. If it is not agreeable, it is open to the appellant/writ petitioner to produce a memo of calculation to the respondents directly and the respondents are also directed to co-operate with the appellant/writ petitioner for arriving at an amount due from the appellant/writ petitioner. After due deliberations, if there is amount still payable by the appellant/writ petitioner, the same has



to be paid within a reasonable time.

9. With the above observations, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar(RTI)

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Chatram Administration,
Gandhiji Road,
Thanjavur District.

+1 + 1 CC TO Special Government Pleader IN SR No. 82788.

PS

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